# CITY OF MASON

201 West Ash Street
Mason MI 48854-0370

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

## CITY COUNCIL MEETING – COUNCIL CHAMBER
**July 6, 2015**
**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. Presentations

7. Consent Agenda
   A. Approval of Minutes
      - Special Council Meeting: June 15, 2015
      - Regular Council Meeting: June 15, 2015
   B. Approval of Bills
   C. Motion – 1020 East Ash Street – Quote for Demolition Services

8. Regular Business
   A. First Reading – Ordinance No. ___ – To Add Article VII to Chapter 42 of the Code of the City of Mason

9. Unfinished Business

10. New Business

11. Correspondence
    A. Request for Donation – AIC

12. Liaison Reports

13. Councilmember Reports

14. Administrator's Report
    - Permission to close alley
    - Short-term Goals and Objectives
    - DPW work hours
    - Numbering of Resolutions and Ordinances
    - Mason Sesquicentennial Fourth of July Festivities

15. Adjournment

**CITY OF MASON**
**SPECIAL CITY COUNCIL MEETING**
**MINUTES OF JUNE 15, 2015**

Mayor Waltz called the special meeting to order at 6:31 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan, 48854.

| | |
|---|---|
| Present: | Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz |
| Absent: | Councilmember: None |
| Also present: | Martin A. Colburn, City Administrator |
| | Deborah J. Cwiertniewicz, City Clerk |
| | Eric Smith, Finance Director/Treasurer |
| | Tom Hitch, City Attorney |

**PEOPLE FROM THE FLOOR**
None.

**REGULAR BUSINESS**
**Report from Ad Hoc Subcommittee to Recommend an Acting City Administrator**
Waltz reported on the determination of the Ad Hoc Subcommittee to Recommend an Acting City Administrator, as well as the criteria determined to be used in the selection of the temporary appointment, job duties and its scope.

MOTION by Brown, second by Droscha,
to receive the Ad Hoc Subcommittee report and place it on file.
MOTION APPROVED

**Resolution 2015-30 – Appointing an Acting City Administrator for the City of Mason**
Resolution 2015-29 was approved June 2, 2015, establishing an ad hoc committee to make recommendations regarding the City Administrator transition. The Committee recommended two applicants for consideration as acting City Manager: Scott Preadmore and Patrick Price.

MOTION by Bruno, second by Droscha,
to consider Resolution No. 2015-30 read with the name Patrick Price inserted.
Yes (5) Brown, Bruno, Clark, Droscha, Mulvany
No (2) Ferris, Waltz
MOTION APPROVED

MOTION by Droscha, second by Ferris,
to amend Resolution No. 2015-30 by inserting the name Scott Preadmore.
Yes (4) Brown, Bruno, Clark, Mulvany
No (3) Droscha, Ferris, Waltz
MOTION APPROVED

It was discussed that the City Charter and the Mason Code use the term City Administrator, not City Manager.

MOTION by Brown, second by Droscha,
to amend Resolution No. 2015-30 by striking the word "Manager" and inserting the word "Administrator."
MOTION APPROVED

MOTION by Droscha, second by Brown,
to introduce Resolution No. 2015-30 with the name Patrick Price.
Yes (5) Brown, Bruno, Clark, Droscha, Mulvany
No (2) Ferris, Waltz
MOTION APPROVED

**CITY OF MASON**
**CITY COUNCIL RESOLUTION NO. 2015-30**
**APPOINTING AN ACTING CITY ADMINISTRATOR FOR THE CITY OF MASON**
**June 15, 2015**

**WHEREAS,** the Mason City Council was advised on May 29, 2015, that Marty Colburn, City Administrator for the City of Mason had accepted a position as City Manager for Traverse City; and

**WHEREAS,** Mr. Colburn's last day of work in Mason is Sunday, June 21, 2015; and

**WHEREAS,** at the June 1, 2015 Mason City Council Special Meeting the Council passed Resolution 2015-29 which established an Ad Hoc Committee to review and make recommendations regarding the appointment of an Acting City Administrator; and

**WHEREAS**, as a result of that resolution, an Ad Hoc Committee was appointed consisting of Mayor Mike Waltz and Council Members Les Bruno and Jim Mulvany.

**NOW THEREFORE BE IT RESOLVED, that** the Mason City Council does hereby appoint Patrick M. Price as Acting City Administrator who will serve at the pleasure of the Council until a permanent City Administrator is appointed.

Yes (5) Brown, Bruno, Clark, Droscha, Mulvany
No (2) Ferris, Waltz
RESOLUTION APPROVED

**Discussion – Council to Provide Direction to Ad Hoc Subcommittee to Establish Process to Hire a Professional Consultant to Recruit a Permanent City Administrator**
Discussion was held to provide direction to the City Council Ad Hoc Subcommittee to establish the process of hiring a professional consultant to recruit a permanent City Administrator.

MOTION by Clark, second by Droscha,
to recommend selecting outside consultant to expedite the hiring of a permanent city administrator.
MOTION APPROVED

**ADJOURNMENT**
The meeting adjourned at 7:25 p.m.

Deborah J. Cwiertniewicz, City Clerk

Mike Waltz, Mayor

**CITY OF MASON**
**REGULAR CITY COUNCIL MEETING**
**MINUTES OF JUNE 15, 2015**

Mayor Waltz called the meeting to order at 7:40 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan, 48854. Councilmember Droscha led the Pledge of Allegiance and offered the invocation.

| | |
|---|---|
| Present: | Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz |
| Absent: | Councilmember: None |
| Also present: | Martin A. Colburn, City Administrator |
| | Deborah J. Cwiertniewicz, City Clerk |
| | Eric Smith, Finance Director/Treasurer |
| | Ken Baker, DPW Director |
| | Tom Silsby, DPW Superintendent |
| | John Stressman, Chief of Police |
| | Kathy Revels, Human Resource Coordinator |
| | Tom Hitch, City Attorney |

## ANNOUNCEMENTS

- Farewell Open House – Martin A. Colburn, City Administrator – June 19, 2015
- Relay for Life Fund Raiser – Steak Dinner at Darrell's Market and Hardware
- Blood Drive - St. James Church - June 18, 2015
- Thursday Night Live – June 18, 2015
- Outdoor Expo/Car Show – Spartan Speedway – June 20, 2015
- Relay for Life – June 20, 2015
- Sesquicentennial Celebration July 2 - July 4, 2015
- July 4th Parade and Fireworks
- Community Worship Service – Mason First United Methodist Church – July 5, 2015
- Sesquicentennial Trees are available

Mayor Waltz recognized Mr. Colburn's final City of Mason Council meeting.

## PEOPLE FROM THE FLOOR

Jack Carmichael of 519 South Rogers provided Council a copy of a letter he wrote to Mr. Colburn. He stated concern regarding the proposed oil and mineral drilling project being considered by West Bay Exploration and invited Council to a town hall meeting scheduled by State Representative Tom Cochran on the subject.

## PRESENTATIONS

### 2014 Annual Report – Mason Library – Cheryl Lyons

Mason Head Librarian Cheryl Lyons introduced Capital Area District Library (CADL) representatives present: Executive Director Maureen Hirten, Vice Chairperson Sally Trout, and Chairperson Deb Bloomquist. Ms. Lyons gave a brief presentation on the 2014 Mason Library Annual Report.

## CONSENT AGENDA

It was the consensus of Council to remove Agenda Item No. 7(L) Motion – Directory of Charges from the Consent Agenda.

MOTION by Brown, second by Droscha,
to approve the Consent Agenda as follows:

A. Approval of Minutes
   - Regular Council Meeting – June 1, 2015
   - Special Council Meeting – June 1, 2015

B. Approval of Bills: $83,001.05

C. Resolution 2015-33 – Designate Authorizing Signatories

**CITY OF MASON**
**CITY COUNCIL RESOLUTION 2015-33**
**DESIGNATE AUTHORIZING SIGNATORIES**
**June 15, 2015**

**BE IT HEREBY RESOLVED,** that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of the two following names: Eric E. Smith, Finance Director/Treasurer, and Deborah Cwiertniewicz, City Clerk, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by the Clerk of the City of Mason.

D. Resolution 2015-34 – Amend the 2014-2015 Fiscal Year Budget

**CITY OF MASON**
**CITY COUNCIL RESOLUTION 2015-34**
**AMEND THE 2014-2015 FISCALYEAR BUDGET**
**June 15, 2015**

**BE IT HEREBY RESOLVED** by the City Council of the City of Mason that the 2014-2015 Fiscal Year Budget is hereby amended as per the attached Exhibit "A."

E. Resolution 2015-35 – Return Delinquent Water and Sewer Bills to July Tax Roll

**CITY OF MASON**
**CITY COUNCIL RESOLUTION 2015-35**
**RETURN DELINQUENT WATER AND SEWER BILLS TO THE JULY 2015 TAX ROLL**
**June 15, 2015**

**BE IT HEREBY RESOLVED** by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached Exhibit "A" entitled Delinquent Water & Sewer Bills to the July 2015 Tax Roll, pursuant to Mason City Code Section 82-246 (a).

F. Resolution 2015-36 – Levy 1% Tax Administration Fee

**CITY OF MASON**
**CITY COUNCIL RESOLUTION NO. 2015-36**
**LEVY 1% TAX ADMINISTRATION FEE**
**June 15, 2015**

**BE IT HEREBY RESOLVED** by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all Ingham County, Mason Public School, Ingham Intermediate School, State Education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2015 tax rolls of the City of Mason.

**NOW THEREFOR BE IT FURTHER RESOLVED**, that the City Treasurer is hereby authorized to collect 4% interest on any taxes that remain unpaid from the July tax roll after August 31, 2015, and 3% penalty from the December tax roll after February 16, 2016.

G. Resolution 2015-37 – Return Miscellaneous Bills to July 2015 Tax Roll

**CITY OF MASON**
**CITY COUNCIL RESOLUTION 2015-37**
**RETURN MISCELLANEOUS BILLS TO THE JULY 2015 TAX ROLL**
**June 15, 2015**

**BE IT HEREBY RESOLVED** by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached Exhibit "A" entitled Miscellaneous Bills to the July 2015 Tax Roll.

H. Motion – Accept 2014 Annual Report – Mason Library – Cheryl Lyons

- accept the 2014 Annual Report for the Mason Library and place it on file.

I. Motion – Street Closure Request – Annual Car Show

- approve street closures, Jefferson Street from Ash Street to Sycamore Street; Maple Street from Barnes Street to the Mason State Bank parking lot entrance; and the parking lane behind the Court House from Maple Street to Ash Street between the hours of 8:00 a.m. – 5:00 p.m.

J. Motion – Street Closure Request – 2015 Relay for Life

- approve the request of Relay for Life, to close Maple Street between Jefferson and Barnes Streets, Saturday, June 20, at 12:00 noon – Sunday, June 21, at 2:00 a.m., as well as granting an extension of the Mason Code Section 22-36(2), from 10:00 p.m., Saturday, June 20 – 12:00 midnight., Sunday, June 21.

K. Motion – Street Closure – Mason Farmers Market Association, Inc.

- approve the request of the Mason Farmers Market Association to use the public right-of-way by allowing the closure of East Maple Street from South Barnes Street to the west edge of the Ingham County Hilliard Building, Saturday mornings, July 11, 2015 through October 24, 2014, between the hours of 6:00 a.m. and 2:00 p.m., also, occupy the city right-of-way in front of Mason State Bank, allowing for a walkway between the tables of produce and the curb, Thursday, July 30 and Thursday, August 13 from 5:30 p.m. – 8:30 p.m., along with the loan of four (4) sawhorse barriers and 8 cones from DPW for the season.

MOTION APPROVED

## REGULAR BUSINESS

### Motion – Directory of Charges

The Directory of Charges is reviewed periodically by staff. The last update was October 6, 2014. The proposed changes would be effective July 1, 2015 unless otherwise stated. Discussion was held regarding setting a fee and application process for events involving the Rayner Park Stage.

MOTION by Brown, second by Droscha,
to approve the Directory of Charges dated June 15, 2015.
MOTION APPROVED

### Resolution 2015-31 – Authorizing Mayor Waltz and City Administrator Colburn to Sign MDOT Contract Number 15-5317, Job Number 127074A

MOTION by Droscha, second by Ferris,
to consider Resolution No. 2015-31 read.
MOTION APPROVED

Resolution No. 2015-31 was introduced by Droscha and seconded by Bruno.

**CITY OF MASON**
**CITY COUNCIL RESOLUTION NO. 2015-31**
**AUTHORIZING MAYOR WALTZ AND CITY ADMINISTRATOR COLBURN**
**TO SIGN MDOT CONTRACT NUMBER 15-5317, JOB NUMBER 127074A**
**June 15, 2015**

**WHEREAS,** the City of Mason has been awarded Contract Number 15-5317, Job Number 127074A through the Michigan Department of Transportation (MDOT); and

**WHEREAS,** the contract includes hot mix asphalt cold milling and resurfacing work along Cedar Street from West Oak Street southerly to the Willow Creek Bridge, including crushing and shaping, concrete sidewalks and sidewalk ADA ramp work, and all together with necessary related work; and

**WHEREAS,** the Mason City Council is charged with naming the officials who are authorized to sign said contract.

**NOW THEREFORE BE IT RESOLVED,** that the Mason City Council authorizes Mayor Waltz and City Administrator Colburn to sign the MDOT Contract Number 15-5317, Job Number 127074A.

MOTION APPROVED

**Resolution 2015-32 – Changing MERS Benefits**

Effective October 1, 1997, AFSCME Local #1390 (General Union group in MERS) was approved by Resolution of the Mason City Council to move from the Defined Benefit Retirement Plan B-2 to the Defined Benefit Retirement Plan B-3. The B-2 plan has a 2.0% benefit multiplier, and the B-3 plan has a 2.25% benefit multiplier. At the time of the change, the employer contribution was 0.00%.

The Mason City Council agreed the City would pay 6.13% for the lifespan of the current contract, which terminates September 2016, with the approval of Resolution No. 2014-56 on December 1, 2014. It was further stated that the AFSCME Union members are responsible for any increased adjustments for the lifespan of the current contract. The July 1, 2015 contribution is 20.89% of payroll. The new employee contribution would be 14.76%

MOTION by Droscha, second by Ferris,
to consider Resolution No. 2015-32 read.
MOTION APPROVED

Resolution No. 2015-32 was introduced by Droscha and seconded by Bruno,

Introduced: Droscha
Second: Bruno

CITY OF MASON
CITY COUNCIL RESOLUTION 2015-32
JUNE 15, 2015

# Defined Benefit Plan Adoption Agreement

MERS®
Municipal Employees' Retirement System

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

The Employer, a participating municipality or participating court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with the MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

**I. Employer Name** City of Mason **Municipality #:** 3304

If new to MERS, please provide your municipality's fiscal year: July (Month) through June (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 01), the effective date shall be the first day of July, 20 15. *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____.

### 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:

01 General Union

(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 Administration/Finance (Board, Finance Cmte, etc.) on 06/09/2015 (mm/dd/yyyy).

☐ As an authorized representative of this municipality, I _____ (Name) _____ (Title) waive the right for a presentation of the results.

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%) 14.76 %

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)
- ☐ Deferred Retirement Option Program (DROP)
- ☐ Annuity Withdrawal Program (AWP)

  Calculation of the actuarial equivalent of the lump sum distribution made under AWP will be done using:

  - ☐ Interest rate for employee contributions as determined by the Retirement Board, or
  - ☐ MERS' assumed rate of return as of the date of the distribution.

11. Cost-of-Living Adjustment

| | |
|---|---|
| ☐ All **current** retirees as of effective date<br>☐ 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:<br>☐ Annual automatic increase<br>☐ One-time increase | ☐ Annual automatic increase |
| Select one:<br>☐ Compounding<br>☐ Non-compounding | Select one:<br>☐ Compounding<br>☐ 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 79, 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.

## 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 15 day of June, 2015.

Authorized signature: _____

Title: City Clerk

Witness signature: _____

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

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

RESOLUTION APPROVED

**Resolution 2015-38 – Amend FY 2014-2015 Budget and Waive the Formal Bid Process to Award the Sewer Inspection Camera Equipment Rebuild Project to Telespector Corporation**

Baker elaborated on his submitted report regarding staff's request to amend the FY 2014-2015 Budget and waive the formal bid process to rebuild the failing sewer inspection camera system. Mr. Baker stated that a grant has been obtained for a portion of the cost that will update the system with current technology. Telespector Corporation is a single source provider for this system.

MOTION by Brown, second by Droscha,
to consider Resolution No. 2015-38 read.
MOTION APPROVED

Resolution No. 2015-38 was introduced by Droscha and seconded by Bruno.

**CITY OF MASON**
**CITY COUNCIL RESOLUTION NO. 2015-38**
**AMEND FY 2014-2015 BUDGET AND WAIVE THE FORMAL BID PROCESS TO AWARD THE REBUILDING OF THE SEWER INSPECTION CAMERA EQUIPMENT TO TELESPECTOR CORPORATION**
**June 15, 2015**

**WHEREAS,** it is in the best interest of the City of Mason to maintain its sewer equipment; and

**WHEREAS,** it is necessary to rebuild the sewer inspection camera equipment; and

**WHEREAS,** it is necessary to amend the FY 2014-2015 budget to rebuild the sewer inspection camera equipment; and

**WHEREAS,** it is requested by Staff to waive the formal bid process due to it being a single source provider.

**NOW THEREFORE BE IT RESOLVED,** that the Mason City Council does hereby approve waiving the formal bid process and does hereby award the rebuilding of the City of Mason sewer inspection camera equipment to Telespector Corporation, in the amount of $33,116.52.

RESOLUTION APPROVED

**Resolution 2015-39 – Establishing Freedom of Information Act (FOIA) Policies, Procedures and Guidelines for the City of Mason**

Attorney Hitch commented on PA 563 of 2014 which made significant changes, as well as implementing uniform policies, for charging fees for Freedom of Information requests. Legislature was precise on what could or could not be considered chargeable. There are considerable changes and requirements that must be met by the public body.

MOTION by Droscha, second by Ferris,
to consider Resolution No. 2015-39 read.
MOTION APPROVED

Resolution No. 2015-39 was introduced by Bruno and seconded by Droscha.

**CITY OF MASON**
**CITY COUNCIL RESOLUTION NO. 2015-39**
**RESOLUTION ESTABLISHING FREEDOM OF INFORMATION ACT (FOIA) POLICIES, PROCEDURES AND GUIDELINES FOR THE CITY OF MASON**

**WHEREAS**, from time to time, various departments of the City of Mason will receive Freedom of Information Act ("FOIA") requests; and

**WHEREAS**, these FOIA requests must be responded to in adherence with the Freedom of Information Act, being MCL 15.231, *et seq* (the "Act"); and

**WHEREAS**, due to the necessity of having a policy to ensure that FOIA requests are addressed in an efficient and consistent manner and pursuant to established published procedures and guidelines to implement charges for responding to FOIA requests, Council adopted Resolution No. 2000-06; and

**WHEREAS**, there were significant changes in the FOIA procedures and requirements adopted pursuant to 2014 PA 563, to be effective July 1, 2015.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Mason hereby adopts the following Freedom of Information Act Policies, Procedures, and Guidelines:

1. The City Clerk is hereby designated the FOIA Coordinator for the City of Mason and is responsible for accepting and processing all FOIA requests in accordance with these Policies, Procedures, and Guidelines, with the exception of those submitted to the Police Department.

2. The Chief of Police or his or her designee, upon the designation of the City Clerk, is responsible for accepting and processing all FOIA requests submitted to the Police Department and all requests concerning Police Department documents in accordance with these Policies, Procedures, and Guidelines.

3. Each department other than the Police department receiving a FOIA request shall promptly forward the request to the FOIA Coordinator. Each department shall provide the requested information unless a determination is made that it is exempt from disclosure. If the record contains both exempt and nonexempt material, the nonexempt material shall, if possible, be separated and made available. The FOIA Coordinator shall sign and provide the final response to the requestor.

4. Unless otherwise agreed to in writing by the person making the request, the FOIA Coordinator shall respond to the request not more than five (5) business days after the request has been received, unless a 10 business day extension has been issued, in which case the FOIA Coordinator shall respond within 15 business days after the request has been received.

5. The response shall either grant the request, deny the request, or grant the request in part and deny the request in part.

6. If the request is granted in whole or in part, the response shall:

   (1) State the fees, if any, for the public record search, for the necessary copying of a public record for inspection, or for providing a copy of the public record. The fees shall be charged in accordance with the Act and only those set forth in Attachment A, which is incorporated herein. The fees charged shall be itemized on a form in accordance with Attachment B. If the FOIA Coordinator has failed to respond within the time frames set forth in Paragraph 6 and either the delay was willful and intentional or the request was properly identified as a FOIA request pursuant to Section 4(9)(a)(ii) of the Act, the charges for labor costs set forth in this resolution and the attachments shall be reduced by 5% for each day the City exceeded the time for a response, with a maximum of a 50% reduction.

   (2) State the amount of any deposit required pursuant to the terms of this resolution and the Act.

(3) Contain a best efforts estimate setting forth the time frame it will take the FOIA Coordinator to comply with the request.

(4) Explain which, if any, of the requested documents or information is available on the City's website, including the City's web page address and location on the website where the information can be located. The FOIA Coordinator shall identify separately in Attachment B the charges to receive copies of those documents that are available on the City's website.

(5) Fully explain the right to file a "fee appeal" to the City Administrator or commence an action in circuit court if fees are charged in excess of the amount permitted by the Act or these policies and procedures, including the possibility of being awarded all or a portion of the requesting person's attorney fees if the court reduces the fees by 50% or more of the total fee.

(6) Include a website link to these policies, procedures and guidelines on the City's website.

(7) Include a signature of the FOIA coordinator.

7. If the request is denied in whole or in part, the response shall:

(1) Explain the statutory basis for the determination that the public record, or a part thereof, is exempt, if that is the reason for denying all or part of the request.

(2) Certify that the public record does not exist under the name given by the requestor or any other name reasonably known to the City, if that is the reason for denying all or part of the request.

(3) Describe any material that has been separated or deleted as required by the Act.

(4) Fully explain the requesting person's right to appeal to the City Manager or seek judicial review of the denial in circuit court, including the right to receive attorney fees if the court determines that the City has not complied with the Act and orders disclosure of all or a portion of the public record.

(5) Include a website link to these policies, procedures and guidelines on the City's website.

(6) Include a signature of the FOIA coordinator.

8. A search for a public record may be conducted or copies of public records may be furnished without charge or at a reduced charge if the FOIA Coordinator determines that a waiver or reduction of the fee is in the public interest because searching for or furnishing copies of the public record can be considered as primarily benefiting the general public. In addition, a public record search shall be made and a copy of a public record shall be furnished without charge for the first $20.00 of the fee for each request by either of the following:

(a) An individual who is entitled to information under this Act and who submits an affidavit stating that the individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency. If the requestor is eligible for a requested discount, the public body shall fully note the discount on the detailed itemization described under subsection (4). If a requestor is ineligible for the discount, the FOIA Coordinator shall inform the requestor specifically of the reason for ineligibility in the written response. An individual is ineligible for this fee reduction if any of the following apply:

(i) The individual has previously received discounted copies of public records under this subsection from the same public body twice during that calendar year.

(ii) The individual requests the information in conjunction with outside parties who are offering or providing payment or other remuneration to the individual to make the request. The FOIA Coordinator may require a statement by the requestor in the affidavit that the request is not being made in conjunction with outside parties in exchange for payment or other remuneration.

(b) A nonprofit organization formally designated by the State to carry out activities under subtitle C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law 106-402, and the Protection and Advocacy for Individuals with Mental Illness Act, Public Law 99-319, or their successors, if the request meets all of the following requirements:

(i) Is made directly on behalf of the organization or its clients.

(ii) Is made for a reason wholly consistent with the mission and provisions of those laws under section 931 of the Mental Health Code, 1974 PA 258, being MCL 330.1931.

(iii) Is accompanied by documentation of its designation by the State, if requested by the public body.

9. Fees for the cost of search, examination, review, and the deletion and separation of exempt from nonexempt information shall not be charged unless failure to charge a fee would result in unreasonably high costs to the City because of the nature of the request in the particular instance and the City specifically identifies the nature of these unreasonably high costs. The costs to the City shall be deemed unreasonably high if, because of the nature of the request in the particular instance, the amount of time needed to complete the search, examination, and review, or the deletion and separation of exempt from nonexempt information, will exceed 30 minutes.

10. If a City employee receives a verbal request for information that the employee believes is available on the City's website, the employee shall, where practicable, to the best of the employee's knowledge, inform the requestor about the City's website address. The City employee shall otherwise inform the requestor of the ability to file a written FOIA request with the City.

11. The FOIA Coordinator shall require a good-faith deposit from the requestor of ½ of the total estimated fee before providing public records if the entire fee estimate or charge, as detailed on the form attached hereto as Attachment B, exceeds $50.00. The FOIA Coordinator shall require a deposit of 100% of the estimated fee if the requestor is more than 90 days and less than 365 days delinquent in paying the fees for and receiving records from a prior request and if all of the following apply:

(1) The final fee for the prior written request was not more than 105% of the estimated fee.

(2) The public records made available contained the information being sought in the prior request and are still in the City's possession.

(3) The public records were made available to the individual, subject to payment, within the time frame estimate provided to the individual.

(4) Ninety days have passed since the FOIA Coordinator notified the individual in writing that the public records were available for pickup or mailing.

(5) The individual is unable to show proof of payment.

(6) The fees for the current request are itemized pursuant to Attachment B.

(7) The individual does not subsequently pay in full the applicable fees for the prior request.

12. The City Administrator, being executive officer and head of the administrative branch of the City pursuant to City Charter, is designated the head of the City for purposes of all appeals made pursuant to the Act. The following appeals, together or independently, may be made to the City Administrator.

(a) Fee appeals. A person may appeal the fee by submitting to the City Manager a written appeal for a fee reduction by specifically stating the word "appeal" and identifying how the required fee exceeds the amount permitted under these policies and procedures or the Act.

(b) Denial appeals. A person may appeal the denial of FOIA request, whether said denial was in whole or in part, by submitting to the City Manager a written appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the disclosure denial.

13. The City Clerk shall create a written public summary, in a manner so as to be easily understood by the general public, of the policies, procedures, and guidelines contained herein that are relevant to the general public regarding how to submit written requests to the City and explaining how to understand the City's responses, deposit requirements, fee calculations, and avenues for challenge and appeal.

14. These policies, procedures, and guidelines, along with the written summary described above, shall be posted on the City's website and be provided free of charge to any person who visits the City Clerk's office and requests a copy.

15. The FOIA Coordinators designated herein, the City Manager and all City employees shall, at all times, comply with the Act. To the extent there is a conflict between the Act and the policies, procedures, and guidelines specified herein, the Act controls and shall be followed. To the extent there is an omission of any requirement of the Act and the policies, procedures, and guidelines specified herein, the requirements of the Act control and must be complied with. The City Attorney's office is available for assistance as to compliance with the Act and these policies, procedures and guidelines, the legality of any denial, or other questions relative to FOIA requests.

**BE IT FURTHER RESOLVED**, that the City Council of the City of Mason hereby authorizes the adoption of this Freedom of Information Act Policies, Procedures, and Guidelines to be effective July 1, 2015.

**BE IT FURTHER RESOLVED,** that this Resolution replaces Resolution No. 2000-06 on its effective date.

**BE IT FURTHER RESOLVED**, that the City Clerk shall forward a copy of this Resolution to all offices and departments of the City of Mason.

RESOLUTION APPROVED

## UNFINISHED BUSINESS

Council stated appreciation for the cemetery and commended the Cemetery, Parks, and Forestry department.

Council requested a copy of the Goals and Objectives notes from the meeting held May 2, 2015.

A brief discussion was held regarding the $1,700 cost for a trash container in the pedestrian bridge bid. It was explained that the container is a duplicate of the DDA selection. However, it was pointed out that the total bid amount was approximately $20,000 lower than all the submitted bids for the project.

**NEW BUSINESS**
None.

**CORRESPONDENCE**
All correspondence was distributed.

**LIAISON REPORTS**
- Brown informed Council regarding Planning Commission business.

**COUNCILMEMBER REPORTS**
None.

**ADMINISTRATOR'S REPORT**
Colburn informed Council regarding City business. Mr. Colburn highlighted current projects of the City. He thanked Council Member Ferris for her assistance in cataloging current projects on paper. He thanked the Councils he has served over the years. He stated that he found a home in Mason and in his neighborhood, and stated to staff that it had been a pleasure. Council thanked Mr. Colburn for his service and wished him well in Traverse City.

**ADJOURNMENT**
The meeting adjourned at 9:03 p.m.

Deborah J. Cwiertniewicz, City Clerk

Mike F. Waltz, Mayor

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON
EXP CHECK RUN DATES 06/29/2015 - 07/07/2015
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID
COUNCIL REPORT

MONDAY, JULY 6, 2015

| Vendor Code / Invoice / GL Number | Vendor Name / Invoice Description / GL Description | Invoice Date | Amount | |
|---|---|---|---|---|
| 07800 | BLUE CROSS BLUE SHIELD OF MICHIGAN | | | |
| GRP#7029499710DIV#00 | HEALTH INSURANCE - CITY EXPENSE | 07/01/2015 | | |
| 750-000.00-231.015 | HEALTH INSURANCE - CITY EXPENSE | | 14,769.22 | |
| GRP#7029499DIV#001 | RETIREES - CITY EXPENSE | 07/01/2015 | | |
| 101-855.00-874.001 | RETIREES - CITY EXPENSE | | 5,368.54 | |
| | | VENDOR TOTAL: | | 20,137.76 |
| 06474 | CONSUMERS ENERGY | | | |
| JULY 2015 | GAS & ELECTRICITY 5/20 - 6/22 | 07/06/2015 | | |
| 101-265.00-920.000 | GAS & ELECTRICITY 5/20 - 6/18 | | 5,257.04 | |
| 592-555.00-920.000 | ELECTRICITY 5/22 - 6/22 | | 10,336.65 | |
| | | | 15,593.69 | |
| | | VENDOR TOTAL: | | 15,593.69 |
| 05016 | GRANGER | | | |
| JUNE 2015 | JUNE REFUSE CHARGES 2310 CUSTOMERS | 07/06/2015 | | |
| 101-528.00-818.000 | JUNE REFUSE CHARGES 2310 CUSTOMERS | | 27,881.70 | |
| | | VENDOR TOTAL: | | 27,881.70 |
| 07325 | MERIDIAN TOWNSHIP | | | |
| JULY 1 2015 | APRIL THRU JUNE BUILDING INSPECTIONS | 07/06/2015 | | |
| 101-000.00-202.001 | 4/1 - 6/30/15 BUILDING INSPECTIONS | | 5,712.50 | |
| | | VENDOR TOTAL: | | 5,712.50 |
| 06480 | MICHIGAN MUNICIPAL RISK | | | |
| M0001051 | 1ST INSTALLMENT GENERAL FUND CONTRIBUTION | 07/06/2015 | | |
| 101-272.00-910.000 | 1ST INSTALLMENT GEN FUND CONTRIBUTION | | 44,891.50 | |
| R0001051 | 1ST INSTALLMENT RETENTION FUND CONTRIBUTION | 07/06/2015 | | |
| 101-272.00-910.000 | 1ST PMT RETENTION FUND CONTRIBUTION | | 7,500.00 | |
| | | VENDOR TOTAL: | | 52,391.50 |
| 07550 | RIETH-RILEY CONSTRUCTION CO INC | | | |
| PAY EST #1 | DDA RECONSTRUCTION PARKING LOT #3 | 07/06/2015 | | |
| 248-000.00-202.001 | DDA RECONSTRUCTION PARKING LOT #3 | | 15,056.20 | |
| PAY EST #2 | WASHINGTON ST, CHERRY ST, LANSING ST, MAPLE ST REPAIRS PAY E | 07/06/2015 | | |
| 203-000.00-202.001 | WASHINGTON ST PAY EST #2 | | 30,997.24 | |
| 202-000.00-202.001 | LANSING ST PAY EST #2 | | 28,568.28 | |
| 203-000.00-202.001 | MAPLE ST PAY EST #2 | | 202,707.08 | |
| 592-000.00-202.001 | MAPLE ST PAY EST #2 | | 188,595.57 | |
| 203-000.00-202.001 | CHERRY ST REPAIRS PAY EST #2 | | 8,702.09 | |
| | | | 459,570.26 | |
| | | VENDOR TOTAL: | | 474,626.46 |
| 07537 | TRUCK & TRAILER SPECIALITIES | | | |
| C44099 | NEW PLOW TRUCK & EQUIPMENT | 07/06/2015 | | |
| 661-000.00-202.001 | NEW PLOW TRUCK W/BOX,LIGHTS&HYDRAULICS | | 52,360.00 | |
| 661-000.00-202.001 | PLOWS & EQUIPMENT FOR NEW TRUCK | | 8,952.00 | |
| | | | 61,312.00 | |
| | | VENDOR TOTAL: | | 61,312.00 |
| | | TOTAL - ALL VENDORS: | | 657,655.61 |

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 the City services and materials and are within current budget appropriations.

Patrick M. Price

Patrick M Price
City Administrator

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

**Meeting Date:** July 6, 2015 **Agenda Item: 7C**

**AGENDA ITEM**
Motion – 1020 East Ash Street – Quote for Demolition Services

**EXHIBITS**
- Quote – Anderson-Fischer Associates Inc. (revised)
- Quote – Structured Environmental Enterprises LLC
- Quote – Mauldon Bros Const LLC
- Quote – MCS Excavating LLC

**STAFF REVIEW**
Zoning & Development Department

**SUMMARY STATEMENT**
Located at 1020 East Ash Street just east of Temple Street, this property was acquired by the City along with 67 acres of land along Temple Street in 2011. The property includes a former residential structure constructed around 1940. Due to its age and condition, the City intends to remove this structure by means of mechanical demolition. The majority of asbestos has been removed from the building, with the exception of the black roof tar and flashing (chimney and roof). The roofing was reserved for demolition contractors to remove and the flashing was not removed due to the condition of the structure. The quote received from Anderson-Fischer was revised to include topsoil, seed, and on-site trained asbestos supervisor.

Staff solicited quotes from five demolition companies, four were received. The following quotes were received:

| | |
|---|---|
| Anderson-Fischer Associates Inc. | $15,945 (revised) |
| Structured Environmental Enterprises | $17,785 |
| Mauldon Bros Const LLC | $20,000 |
| MCS Excavating | $23,760 |
| Scarlett Excavating | Not received |

At the June 1, 2015 Council meeting, the City Council tabled action on the issue to afford staff time to assemble the quotes for review.

**RECOMMENDED ACTION**
Move to accept the proposal from Anderson-Fischer Associates Inc. in the amount of $15,945 and authorize the Acting City Administrator to enter into an agreement for demolition services.

Anderson-Fischer Associates Inc.

225 E. Kipp Rd Mason, Mi 48854 • mail@andersonfischer.com
(517) 676-5522 • Fax (517) 676-0466
**An MDOT Prequalified Contractor**

# PROPOSAL

RECEIVED
JUN 16 2015
CITY OF MASON
PLANNING DEPT

June 17, 2015

David E. Haywood
City of Mason

**RE: City of Mason Residential Demolition**

We propose to furnish and install all labor, equipment, and materials necessary to complete the following items of work on the above referenced project as discussed.

| *Description* | *Unit* | *Qty* | *Unit Price* | *Total* |
|---|---|---|---|---|
| **1020 Ash Street** | | | | |
| Demo building, haul materials to landfil for disposal<br>Furnish, install and compact sand in excavated area | LS | | | $ 10,800.00 |
| Separate, water down, haul to landfill and legally dispose of approximately 1,500 sft of roofing and flashing materials containing asbestos | LS | | | $ 4,130.00 |
| Restore areas with topsoil, seed, straw mulch and mulch tackifier | LS | | | $ 1,015.00 |
| | | | | |
| | | | **TOTAL:** | **$ 15,945.00** |
| | | | | |
| | | | | |
| | | | | |

Notes & Conditions:
1. All required permits to be secured by Owner.
2. Pricing includes on-site supervisor with 40HR asbestos training and equipment operator with 10hr asbestos training.
3. Owner responsible for disconnection of utilities.

John P. Fischer
President

To convert this quotation into a purchase order please sign below and fax or mail a copy back to our office.
Payment terms: 30 days upon completion of work.
***Thank you for the opportunity to provide you with a quotation on this project!***

Accepted By: (sign)_____ Date: _____

(print)_____

Structured Environmental Enterprises LLC
601 Maine ct.
Mason, MI
48854
Phone-517-204-1999

City of Mason
210 E Ash St.
Mason, MI 48854

RECEIVED
AUG 1 1 2014
CITY OF MASON
PLANNING DEPT.

# ESTIMATE

**Estimate #** 0010186

**Estimate Date** 08/08/2014

| Item | Description | Unit Price | Quantity | Amount |
|---|---|---|---|---|
| Hours | Demolition of building and loading of debris into truck | 140.00 | 40.00 | 5,600.00 |
| Expense | Grainger disposal fee for demolition debris | 20.00 | 260.00 | 5,200.00 |
| Hours | Trucking of demolition debris to Grainger on Wood rd Lansing, MI | 115.00 | 15.00 | 1,725.00 |
| Hours | Trucking of roughly 250 cubic yard of concrete block/foundation | 115.00 | 16.00 | 1,840.00 |
| Product | Sand material for backfill of existing foundation and delivery fees | 2700.00 | 1.00 | 2,700.00 |
| Hours | Backfill and grading of sand backfill | 90.00 | 8.00 | 720.00 |

NOTES: This estimate is for the demolition and debris removal of white house located on Ash street due south of Green Acres community as it stands. This estimate is put together using sand as a backfill material cost could be saved with City of Mason providing backfill Material approx. 360 cubic yards of back fill required

1020 E Ash

| | |
|---|---|
| **Subtotal** | 17,785.00 |
| **Total** | 17,785.00 |
| **Amount Paid** | 0.00 |
| **Estimate** | $17,785.00 |

# PROPOSAL

No. _____

Date 8-5-14

Sheet No. _____

From Mauldon Bros Const LLC - 517-507-7289
1009 W Barnes Rd
Mason MI 48854

**Proposal Submitted To:**

Name City of Mason

Street _____

City _____

State _____

Phone _____

**Work To Be Performed At:**

_____

Street _____

City _____ State _____

Date of Plans _____

Architect _____

We hereby propose to furnish the materials and perform the labor necessary for the completion of

Demolition, haul away, fill, seed + mulch.

972 N Mason - $7500

1020 E Ash - $20,000

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in substantial workmanlike manner for the sum of Dollars [$ 27,500 ]

with payments to be made as follows: _____

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Worker's Compensation and Public Liability Insurance on above work to be taken out by

Respectfully submitted Greg J Mauldon

Per _____

Note—This proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

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

Signature _____

Date _____ Signature _____

TOPS. FORM 41850 PRINTED IN USA

# MCS EXCAVATING LLC

4696 TOLLAND AVE. HOLT, MI 48842
PHONE 517.694.1718 FAX 517.694.8621
mcsdig.matt@hotmail.com

| | |
|---|---|
| Proposal submitted to<br>City Of Mason | Phone:<br>517-676-9155 |
| Street:<br>201 West Ash Street | Date:<br>7/14/14 |
| City, State, and Zip Code:<br>Mason MI 48854-0370 | Job location:<br>1020 Ash St. |
| Contact:<br>David Haywood | Save as: |

We hereby submit specifications and estimates for:

PRICE INCLUDES

Demo & disposal of building at 1020 Ash St.
Remove foundation & fill.
Topsoil & seed.
Demo permit.

NOT INCLUDED

Building survey.
Removal of hazardous materials (asbestos, tanks, paint).

Total: $23,760.00

Note: Add $750.00 to total if tank is found & needs to be pumped & filled.

We propose hereby to furnish material and labor - complete in accordance with above specifications

Matt Childers, MCS Excavating LLC

**Acceptance of Proposal**

We hereby accept this proposal. The specifications and prices are approved and satisfactory. The general conditions are understood and accepted on the back of this proposal. Payment will be made in accordance with the terms offered. I further represent that I am authorized to sign this contract.

**Accepted:**
**Date:** _____ **By:** _____
**Authorized Representative**

**If accepted, please sign and return one copy to our office. Keep one copy for your records.**

MIKE CHILDERS & SONS EXCAVATING

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

**Meeting Date:** July 6, 2015 **Agenda Item: 8A**

**AGENDA ITEM**
Ordinance No. ___ – An Ordinance to Add Article VII to Chapter 42 of the Code of the City of Mason

**EXHIBITS**
- Ordinance No. ___

**STAFF REVIEW**
Fire Chief Minshall and Mason City Attorney Hitch

**SUMMARY STATEMENT**
Before you is a recommendation from Fire Chief Minshall and Mason City Attorney Hitch to add Article VII – False Summoning and Obstructing – to Chapter 42 of the Code of the City of Mason by prohibiting the unnecessary summoning of emergency providers, the raising of a false alarm, and the obstructing of and disobeying firefighters within the City of Mason.

This ordinance is in form for introduction and first reading.

**RECOMMENDED ACTION**
Move to introduce Ordinance No. ___ and read for the first time.

Introduced/First Reading: _____, 2015
Second Reading/Adoption: _____, 2015
Effective: _____, 2015

**CITY OF MASON**
**ORDINANCE NO. _____**

**AN ORDINANCE TO ADD ARTICLE VII - FALSE SUMMONING AND OBSTRUCTING - TO CHAPTER 42 OF THE CODE OF THE CITY OF MASON BY PROHIBITING THE UNNECESSARY SUMMONING OF EMERGENCY PROVIDERS, THE RAISING OF A FALSE ALARM, AND THE OBSTRUCTING OF AND DISOBEYING FIREFIGHTERS WITHIN THE CITY OF MASON**

THE CITY OF MASON ORDAINS: Article VII - False Summoning and Obstructing - of Chapter 42 of the Code of the City of Mason shall be added to read as follows:

## FALSE SUMMONING AND OBSTRUCTING

**Sec. 42-301. Prohibited acts.**

(a) *False summoning of police or fire department or ambulance.* It shall be unlawful for any person to summon, as a joke or prank or otherwise without any good reason therefore, by telephone or otherwise, the police or fire department or any public or private ambulance to go to any address where the service called for is not needed.

(b) *False alarm fire.* It shall be unlawful for any person to:

(1) Raise a false alarm of fire at any gathering or in any public place.

(2) Ring any bell or operate any mechanical apparatus, electrical apparatus, or combination thereof, for the purpose of creating a false alarm of fire.

(3) Raise a false alarm of fire or by telephone or in person.

(c) *Firefighter; obstructing and disobeying.* It shall be unlawful for any person to, while in the vicinity of a fire or other emergency, willfully disobey any reasonable order or rule of the officer commanding any fire department, when the order or rule is given by the commanding officer or firefighter there present.

**Sec. 42-302. Rewards and reimbursements for information.**

(a) The city may offer a reward in an amount to be established by resolution of the city council for information leading to the identification and apprehension of any person who willfully violates this article. In the event of any such expense to the fire and/or police departments when their services are not needed, the offender or the parents or legal guardian of any un-emancipated minor shall reimburse the city for any rewards paid. In the event of multiple contributors of information, the reward amount shall be divided by the city in the manner it shall deem appropriate.

(b) Claims for rewards under this section shall be filed with the city in the manner specified by a resolution of the city council.

(c) No claim for reward shall be allowed unless the city investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied.

**Sec. 42-303. Penalties.**

(a) *Fines and imprisonment.* Any person violating this article shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days and a fine of not more than five hundred dollars ($500).

(1) In the case of a minor, the parents or legal guardian shall be jointly and severally liable with the minor for payment of all fines and costs.

(2) Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property that includes the fines and administrative costs.

(3) Upon the application and finding of indigence, the court may decline to order fines against the minor, parents, or guardian.

(b) *Restitution.* In addition to any punishment specified in this section, the court may order any violator to make restitution to the city for the expense of the fire and/or police departments or to any ambulance provider for their services that were not needed or for any other damages or loss caused, directly or indirectly, by the violator's offense in the amount or manner determined by the court. In the case of a minor, the parents or legal guardian shall be ordered jointly and severally liable with the minor for liquidated damages in an amount equal to the cost billed by the city's police and/or fire departments.

(c) *Community service.* In lieu of, or as part of, the penalties specified in this section, a minor or adult may be required by the court to perform community service as described by the court based on the following minimum requirements:

(1) The minor or adult shall perform at least thirty (30) hours of community service.

(2) At least one parent or guardian of the minor shall be in attendance a minimum of fifty percent (50%) of the period assigned to community service.

(3) The entire period of community service shall be performed under the supervision of a community service provider approved by the chief of police. In the event that the offender violates section 42-301 of this article at a school, then the community service will be performed at said school. If the school does not approve said offender to do community service there, then it shall be performed in accordance with the rest of this section.

(4) Reasonable effort shall be made to assign a person who violates section 42-301 to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult.

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published within fifteen days after its adoption.

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

Ordinance No. ___ declared adopted this ___ day of _____, _____.

_____
Mike Waltz, Mayor

_____
Deborah J. Cwiertniewicz, City Clerk

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:** Mayor and City Council
City of Mason

**FROM:** Patrick M. Price PMP
Acting City Administrator

**DATE:** July 1, 2015

**RE:** Request for Donation

Attached hereto is correspondence from the Asset Independence Coalition explaining the role they play in helping people living below the poverty level. The Coalition is requesting a $250 **donation**. I highlight donation because municipalities are prohibited from making donations. Taxpayers expect their taxes to go for municipal operations, debt, etc., not a clearing house for charitable organizations. If the City was a member of AIC and the membership dues were $250, that may be a different issue.

Att: as

ASSET INDEPENDENCE COALITION
PO Box 10236
Lansing, MI 48901
517.256.1466
jonathon@aicmidmichigan.org

RECEIVED
JUN 30 2015
CITY ADMINISTRATOR

June 16, 2015

Mr. Mike Waltz
Mayor of Mason
201 West Ash
Mason, MI 48854

Established in 2004, The Asset Independence Coalition (AIC) joined forces to coordinate the resources of public and private institutions to promote the financial independence of low to moderate income residents in Clinton, Eaton and Ingham counties.

Ingham County and the City of Lansing along with other local nonprofits and stakeholders came together to address the issues of personal financial insecurity of our low-to-moderate income residents in the tri-county region of Mid-Michigan. This group of committed organizations, government representatives, financial institutions and community members created AIC as an asset building coalition with the purpose of connecting families to available financial intervention resources and to identify and execute long term strategies to alleviate poverty in the region.

Made up of over 50 members including non-profit agencies, financial institutions, colleges, universities and local government agencies. AIC is Co-Chaired by the Ingham County Treasurer, Eric Schertzing and the City of Lansing Treasurer, Antonia Kraus. Capital Area United Way is the fiscal agent for AIC and CFO, James Eddy also serves on our Executive Committee.

While our primary program is Volunteer Income Tax Assistance (VITA), our strategy is to use free income tax preparation as an entrance point to connect low-to-moderate income families with other needed financial resources through our VITA Super Centers. For example, during tax season anyone who does not have an active bank account will have the opportunity to open one ( on site ) at our Main Super Center which alone opened 5 accounts during 2014 tax season through one of our partnering financial institutions. We would like to expand on this concept and partner with more financial institutions to meet the diverse needs of our clients. In addition to this service, we have referred and scheduled 68 clients for financial counseling and enrolled 17 clients into health insurance at the time of their appointments. It is partnerships like these that put our VITA clients on a path to return to the financial mainstream and in turn fosters greater financial stability for the entire region.

We impact the financial stability of our clients through a Three-pronged approach:

1. **Volunteer Income Tax Assistance:** Free income tax preparation for families with $53,000 or less in household income. We recruit, train and certify over 200 volunteers through the IRS VITA curriculum to prepare taxes at our 9 sites in the tri-county area. Our volunteers are IRS-trained and certified to catch the tax credits others may miss, maximizing the client's refund amount. In addition, we educate our clients on the predatory practices so many may fall victim to, such as very high interest Refund Anticipation Loans. Of the clients we surveyed this tax season 2.7% said they had been issued a (RAL) while in our prior year tax season those numbers were at 9%! Proof of concept that integrating the services we offer can effectively increase financial gain where needed and why our request for additional funding is needed to expand on this.

We served 4,183 households in 2015, generating nearly $5.08 million in refunds. We not only saved our clients approximately $531,241 in tax preparation fees in 2015, but also protected them from predatory practices. Additionally anyone making under $60,000 had the option to use the free online self assistance software (My Free Taxes) to prepare their own tax returns. Which is also a way we incorporate being self-sufficient to our clients.

| Tax Return Year | Total Federal Returns Prepared | Total State Returns Prepared | % E-filed | Number of Volunteers |
|---|---|---|---|---|
| 2014 | 3028 | 4183 | 98% | 177 |
| 2013 | 2366 | 3452 | 98% | 209 |
| 2012 | 1948 | 3100 | 96% | 217 |
| 2011 | 1552 | 2010 | 97% | 192 |
| 2010 | 1236 | 2035 | 87% | 162 |

2. **Banking the Unbanked.** While it does impact our clients to save on the costs of income tax return preparation, our intent is to make a lasting impression on their asset wealth. By offering on site One-on-One opportunities for clients to meet with one of our partnering financial institutions to discuss the financial education options available to them and the option of opening a bank account. We would like to expand on this Idea by collaborating with more financial institution partners in order to meet the needs of our diverse clients and help those who have been turned down or have never had a checking account to re-enter the financial mainstream.

3. **Combined Services:** AIC has taken the stance that one agency working alone can only impact a limited number of clients, and in a very limited capacity. Thus, we have successfully piloted the integration of serves, at the time of tax appointments. An example of this proof of concept brought Financial Counselors, Housing Counselors, Healthcare Navigators and Financial Institutions to the clients, where they were already at, getting their taxes done. AIC's Lansing Super Center hosted each of these services during the ten week season, and continues to refer all clients making an appointment, that express interest when asked by the Intake Specialists at 2-1-1. Our proof of Concept pilot worked, and we are excited to expand this approach and drive the outcomes the Lansing Community is looking for.

Community Need:

According to 2014 US Census data, the Mid-Michigan region of Ingham, Eaton and Clinton counties, with a total population of 470,458, has an income poverty rate of 29% (amounting to roughly 82,629 people with household income that is below the federal poverty rate). In Ingham County, of its 284,582 citizens, 62,323 of them (or 21.9%) are living in poverty. With a total population of 113,972 and a staggering poverty rate of 28.7% or 32,709 people, more than half of Ingham County's low-income population resides in the City of Lansing.

Our regional phone center referral agency for emergency and human service needs, Central Michigan 2-1-1, cited tax preparation as a one of the top three unmet needs in Ingham, Eaton and Clinton counties in a 2012, 2013, and 2014 survey of low-income callers.

Additionally, data from the CFED Assets and Opportunities Score Card for Michigan in 2014 shows that almost 20% of all adults in the state are unbanked or under-banked. On average, people without bank accounts spend nearly $1,000 per year on check cashing fees alone (which in many cases is a significant portion of their annual household income). The term "under banked" refers to clients who may have a bank account but still use predatory services such as pay-day lending and/or high fee check cashing.

**While AIC served nearly 4,200 households in 2015, this is only about 5.0% of the low-income population that resides in the tri-county area. There is a critical need to expand our VITA services in Mid-Michigan, especially in the realm of off-season tax preparation.**

AIC currently does extensive data collection and program evaluation as part of our Internal Revenue Service (IRS) partnership and grant requirements. We plan to continue this practice in perpetuity.

Request:

Asset Independence Coalition respectfully requests a donation in the amount of $250.00 from the Mayor of Mason. This donation, if approved, would be used as follows:

**$250.00 to be used for the overall operation of the program, during the 2016 Income tax year. ( July 1st 2015,- June 30th 2016)**

- Year Round tax preparation supplies, space, utilities and volunteer stipend (Financial Literacy & Education/Other)
- Volunteer management software for training and scheduling (Financial Literacy & Education/Other)
- Show me the Money Day marketing and materials. This will include flyers, posters and prizes/supplies for the event.
- Site Supplies for Main Super Center. These will include paper, toner, stamps, envelopes, etc. (Financial Literacy & Education)

Your support will be recognized on our website, and in a press release, as well as at each VITA Super Center in Ingham, Clinton and Eaton counties.

We are grateful for the past support the Mayor of Mason has shown to Asset Independence Coalition, and look forward to our continued partnership.

Respectfully Submitted,

Jonathon Bailey
Program Director
Asset Independence Coalition

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:** **Patrick M. Price, Acting City Administrator**

**DATE:** **July 6, 2015**

**RE:** **Acting Administrator's Report**

**Permission to close alley**

Attached herewith is a letter from Mr. and Mrs. Jeffries, 215 East Elm Street, requesting permission to close an alley described therein. This request has been reviewed by the appropriate staff (see attached Memo to Patrick Price dated June 25, 2015, concerning the request to close a portion of the alley in the 200 block of East Elm) and based on their findings, I have approved the Jeffries' request.

**Short-term Goals and Objectives**

I have been advised that the City Council would like to receive a list of short-term goals and objectives as prioritized by City staff. Attached hereto is said list for your review. I believe this is a good idea for the Council because it hopefully limits the number of surprises the Council can expect over the next two-to-three years. It will act as a budget tool for planning and programming. I believe for the sake of continuity, the Council should hold a workshop session with the staff and the new Administrator approximately 30 days after his/her tenure has begun. This would give the Administrator time to become familiar with the issues of the City.

**DPW work hours**

Effective July 5, 2015, DPW employees will be working 6:00 a.m. – 4:30 p.m., 10-hour days, four days a week. The employees, represented by AFSCME Local #1390.10, and the City of Mason, have agreed to conduct a trial period for these changes in shift, and will conclude on September 5, 2015. At that time, the two parties will evaluate this trial period for possible continuation or cessation. The advantage to the employees is obviously a three-day weekend. In my discussion with Ken Baker, Director of Public Works, Mr. Baker supports it because he sees efficiencies that are not available in an eight-hour shift. Also, for the Council's information, one-half of the employees will work Monday – Thursday, and the other half will work Tuesday – Friday; therefore, we will have coverage Monday – Friday. Additionally, we believe there would be less overtime using this shift change. I will keep the Council posted in the course of this trial period.

**Numbering of Resolutions and Ordinances**

Debbie Cwiertniewicz, Mason City Clerk, approached me concerning record keeping. Up until now, the City Council received Resolutions and Ordinances with identifying numbers. The problem is that if the Resolution or Ordinance failed, it would take that number down with it, leaving what looks like gaps in our records. To avoid this, the City Clerk will assign a number after the Resolution or Ordinance is adopted. Just a little housekeeping.

**Mason Sesquicentennial Fourth of July Celebrations**

As part of the Mason 150 Summer Celebrations, judging of the Brothers of the Brush beard contest will begin at 5:30 pm on July 2nd and a Thursday Night Live Concert is scheduled to start at 6 pm that evening, weather permitting. On Friday, July 3, there will be an informal family and pet walk along the Hayhoe Riverwalk from 5:00 – 7:00 pm. The County Seat Old Car Club Annual Car Show runs from 9 am – 4 pm on July 4th with the Fourth of July Parade beginning at 7:30 pm that evening. From 1:00 – 3:00 pm on the same day, the Mason Area Historical Society Pink School Museum will be open for visitors. And then at dusk that evening there will be a fireworks display at the Ingham County Fairgrounds, hosted by the Mason Firefighters Association. On Sunday, July 5, All Saints Lutheran Church, First Presbyterian Church, and Mason First United Methodist Church will host a patriotic church service beginning at 9:30 am at the Methodist church, 201 East Ash Street.

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

June 26, 2015

Mr. and Mrs. Bruce Jeffries
215 East Elm Street
Mason MI 48854

Dear Mr. and Mrs. Jeffries:

Please be advised that your request to close the alley between East Elm and East Oak streets, bounded by Rogers and Barnes streets, has been approved by my office. Said closing of the above referenced alley is allowed between the hours of 3 – 9 p.m. on July 4, 2015.

I hope you and your neighbors have a good time celebrating America.

Sincerely,

Pat Price

Patrick M. Price
Acting City Administrator
City of Mason

Cc: Mason City Council

City of Mason

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TO: Pat Price, City Administrator

FROM: David E. Haywood, Zoning & Development Director

RE: Council Goals and Objectives

DATE: June 29, 2015

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At the past few Council meetings, staff was requested to provide an update/status report of the effort to establish goals and objectives. Attached is the current list of Major Objectives (including ranking), SWOT analysis, and cost estimates for each identified objective. The cost estimates was provided to me by Marty, so I can only assume this was a work in progress. I hope that helps you understand where we are with this issue to date. Let me know if I can be of further assistance.

**MASON CITY COUNCIL WORKSHOP**

**MAJOR OBJECTIVES (1-2 Year Target)**

**January 31, 2015**

**Revised with input from March 2, 2015**

- Council and Department training
  - City government technology improvements
  - Servers & miscellaneous equipment
  - Community Room A/V equipment & broadcasting – consultant evaluation - **1**
  - Establishing acceptable lifecycles for equipment
  - City Hall security camera upgrades - **1**
  - Explore IT contract expansion
- Ordinances
  - Food trucks
  - Medical Marihuana
  - Taxies
  - Tree Commission
  - Storm water
  - FOIA
  - Fire code
- Non-motorized Transportation Plan - **1**
- Cost-benefit analysis of taking Airport
- Library Plan – future development/repair/remodel - **1**
- Coordination with potential school development/expansion/new facilities
- Charter review/update - **4**
- Fire truck/vehicle replacement schedule - **2**
- DPW truck/vehicle replacement schedule - **2**
- Capital Improvement Plan process – Council input/approval
- Budget policy/plan for major purchases
- Continue with MSHDA/EDC efforts
- Second entrance to cemetery - **2**
- Columbia Street sidewalks at US-127 – cost analysis as first step - **3**
- Art policy – complete LEAP commitment at Jefferson Street trailhead - **2**
- Match long-term maintenance costs with placemaking efforts - **1**
- POTW upgrades – address/eliminate need for consent order – long term plan for POTW & DPW replacement - **2**
- Explore residential and commercial development/rehabilitation incentives
- Advance ownership of Rayner Park - **1**
- Develop and implement placemaking activities

- Additional police patrol officer on street – to nine total – **1**

**Additions from meeting of March 2, 2015**

- **Riverwalk Connections**
- **Information technology – fiber optic, city-wide**
- **Ordinances – Complete streets, form-based code**
- **City employee survey**
- **Performance management/measurement**
- **Administrator performance criteria**

City Council SWOT Analysis
January 31, 2015

| Strengths | Weaknesses | Opportunities | Threats |
|---|---|---|---|
| Mason Area Chamber of Commerce | Housing conditions | Grant funding | Business turn-over |
| Friendliness | Publicly Owned Treatment Works | Crowd funding | Diminishing resources (opperating funds, programming, personnel, MI Legislature) |
| Quality of life | Broadband | Technology - city-wide | Poverty rate |
| Diversity of housing | Diminishing resources (operating, funds, programming, personnel) | Economic center/magnet | Transient traffice - crime |
| Volunteerism | Poverty rate | Public input | Cedar Street sprawl |
| History/heritage | Lack of diversity | Collaboration with area agencies | Urgent Care - diminishing services |
| Water system | Community understanding of government opperations | Capital Region Airport Authority - Jewett Field economic development | Prescription drug abuse |
| Community location | | Parks/Trails | |
| County seat | | Business turn-over | |
| Fairgrounds | | Planning - utilities, amentities, etc. | |
| Leadership | | Publicly Owned Treatment Works | |
| Community involvement | | Broadband | |
| Churches | | | |
| Schools | | | |
| Downtown | | | |
| Proximity to MSU | | | |
| Community Events (Sundried) | | | |

# Cost Estimates for Potential Projects Evolving from Mason City Council Goals and Objectives Meetings

| | |
|---|---|
| Technology – | Conduct study |
| Police officer – | $56K annually |
| Cemetery second entrance – | $62,000 |
| Cemetery stone building/wall – | $65,000 |
| POTW improvements – | $1.6 million (estimated) |
| Columbia St sidewalks – | $115,000 (one side of street) |
| DPW/POTW – | Planning (SAW Grant) |
| Fire trucks – | CIP - Appendix D |
| Ordinances – | Food truck |
| | Medical Marihuana |
| | Storm water |
| Charter – | Letter from City Attorney |