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
March 9, 2016
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. Presentation
   A. Dart Container Corporation Donation of Thermal Imaging Cameras to Mason Fire Department
7. Consent Agenda
   A. Approval of Minutes
      - Regular Council Meeting: February 1, 2016
   B. Approval of Bills in the amount of $188,766.53
   C. Resolution – Approval for Bad Brewing Company to Use City Right-of-Way for an Outdoor Beer Festival
   D. Motion – Request for Street Closures for the Mason State Bank 5K Race on May 6, 2016
8. Regular Business
   A. Resolution – Authorization Releasing Funds for Spot Repair and Reconstruction of Sidewalks on Ash Street Between Rogers Street and Temple Street
   B. Resolution – Authorization Releasing Funds for Local Streets Reconstruction
   C. Resolution – Approval to Award the Equipping of Wells No. 9 and No. 10 to Ed Birkmeier Well Drilling Ltd
   D. Resolution – Authorizing the City of Mason to Proceed with the Purchase of Rayner Park
   E. City Attorney's Report
9. Unfinished Business
10. New Business
11. Correspondence
    A. Monthly Revenue and Expenditure Report
    B. March 9, 2016 letter from Jack Carmichael
12. Liaison Reports
13. Councilmember Reports
14. Administrator's Report
15. Adjournment

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF February 1, 2016

Waltz called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Ferris led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz
Absent: Councilmember: None
Also present: Deborah S. Stuart, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

ANNOUNCEMENTS

- Ingham County Trails and Parks Task Force is meeting Thursday, February 4, 2016.
- Thank you to Council Member Bruno and those who assisted him in placing the Sesquicentennial Time Capsule in the base of the Stevens T. Mason bust in the City Hall lobby.
- Mason High School is hosting more than 20 high school and college jazz bands February 2, 2016.

PEOPLE FROM THE FLOOR

Jack Carmichael of 519 South Rogers Street commented regarding concerns he has regarding potential oil drilling in Vevay Township. He read his written comments and provided them to Council.

CONSENT AGENDA

It was the consensus of Council to remove Item No. C. Motion – Reschedule the March 7, 2016 City Council Meeting due to the March 8, 2016 Presidential Primary Election from the consent agenda and place it under regular business, renumbering the items accordingly.

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

A. Motion – Approval of Minutes – Regular Council Meeting: February 1, 2016
B. Motion – Approval of Bills - $158,902.29
C. Motion – Approval of Excused Absences for Councilmember Bruno
   - Excuse Councilmember Bruno from the City Council meetings of February 15, March 7 and 21, 2016.

MOTION APPROVED

REGULAR BUSINESS

Resolution – Approval of the Memorandum of Understanding between Delhi Township and the City of Mason to Provide Fire Services in a Portion of Alaiedon Township

MOTION by Droscha, second by Brown,
to consider City Council Resolution – Approval of the Memorandum of Understanding Between Delhi Township and the City of Mason to Provide Fire Services in a Portion of Alaiedon Township read.
MOTION APPROVED

Introduced by Ferris, seconded by Clark, City Council Resolution – Approval of the Memorandum of Understanding Between Delhi Township and the City of Mason to Provide Fire Services in a Portion of Alaiedon Township.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2016-04
APPROVAL OF THE MEMORANDUM OF UNDERSTANDING BETWEEN DELHI TOWNSHIP AND THE CITY OF MASON TO PROVIDE FIRE SERVICES IN A PORTION OF ALAIEDON TOWNSHIP
February 1, 2016

WHEREAS, the Delhi Township is contracted by Alaiedon Township to provide Fire Services for Alaiedon Township;

WHEREAS, the City of Mason has previously entered into a Memorandum of Understanding with Delhi Township to provide fire services as the primary responder to a portion of Alaiedon Township (Resolution: 2015-09);

WHEREAS, the City of Mason is committed to being a regional partner and working with the surrounding townships; and

WHEREAS, Delhi Township and the City of Mason desire to renew the agreement, with increased Standby fees, that is beneficial to all parties.

NOW THEREFORE BE IT RESOLVED, that the City Council approve the Memorandum of Understanding between Delhi Township and the City of Mason to provide Fire Services in a portion of Alaiedon Township; and

NOW THEREFORE BE IT FINALLY RESOLVED, that the City Council authorize the City Administrator and the Fire Chief to execute the agreement on their behalf.

RESOLUTION APPROVED

Motion – Approval of Change Order to the Awarded Contract for the Ash Street Well Rehabilitation

MOTION by Clark, second by Droscha,
to approve the Change Order to the Awarded Contract for the Ash Street Well Rehabilitation in the amount of $2,965.
MOTION APPROVED

Motion – Reschedule the March 7, 2016 City Council Meeting due to the March 8, 2016 Presidential Primary Election

Discussion was held regarding rescheduling the March 7, 2016 Council meeting due to the March 8, 2016 Presidential Primary Election.

MOTION by Brown, second by Droscha,
to deferred rescheduling the March 7, 2016 Council meeting to the next regular Council meeting to allow administration to present alternative dates.
MOTION APPROVED

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolution – Resolution Calling for the Repeal of Public Act 269

MOTION by Brown, second by Droscha,
to consider City Council Resolution – Resolution Calling for the Repeal of Public Act 269 read.

Introduced by Ferris, seconded by Bruno, City Council Resolution – Resolution Calling for the Repeal of Public Act 269.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2016-05
CALLING FOR THE REPEAL OF PUBLIC ACT 269
February 1, 2016

WHEREAS, Public Act 269 (Senate Bill 571) was signed into law, with immediate effect, on January 6, 2016, and

WHEREAS, this new law prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within 60 days of an election, and

WHEREAS, this law places an immediate gag order on entities with ballot questions on the March 8 ballot and every election thereafter; and

WHEREAS, municipal elected and appointed officials have a civic and legal duty to the residents of their communities to fully inform them regarding the issues placed before them, upon which they may exercise their constitutional right to vote; and

WHEREAS, existing laws, including the former language in Section 57, and decades of guidance from the Michigan Secretary of State, already prohibit the use of public funds to advocate for or against ballot issues; and

WHEREAS, existing laws already provided for an allowance for elected and appointed officials to express their views without fear of violating the act; and

WHEREAS, because the new law bans only communication on local ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and

WHEREAS, there are substantial questions regarding the constitutionality and legality of the new law, including a possible ban on freedom of speech;

NOW, THEREFORE, BE IT RESOLVED, that the Mason City Council calls for the Michigan Legislature to immediately repeal the new language in Section 57, subsection (3) of PA 269 of 2015; and

BE IT FINALLY RESOLVED, that a copy of this Resolution shall be forwarded to the city's state legislators in the Michigan House of Representatives and the Michigan Senate.

VOTE:
Yes (5) Brown, Clark, Droscha Ferris, Mulvany, Waltz
No (1) Bruno

RESOLUTION APPROVED

Clark asked Administrator Stuart to gather information regarding Lansing's clothing drop box ordinance.

CORRESPONDENCE
All correspondence was distributed.

LIAISON REPORTS
- Mulvany informed Council regarding Historic District Commission business.
- Droscha informed Council regarding Traffic Commission business. Clark stated that the Okemos Street is marked as it is due to a request of the residents that live there.

COUNCILMEMBER REPORTS
None.

ADMINISTRATOR'S REPORT
Stuart informed Council regarding city business.

ADJOURNMENT
The meeting adjourned at 8:17 p.m.

Deborah J. Cwiertniewicz, City Clerk

Mike Waltz, Mayor

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON
EXP CHECK RUN DATES 02/16/2016 - 03/09/2016
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID
COUNCIL REPORT

WEDNESDAY, MARCH 9, 2016

Vendor Code / Invoice / GL Number	Vendor Name / Invoice Description / GL Description		Amount
07800	BLUE CROSS BLUE SHIELD OF MICHIGAN		
GRP#7029499710DIV#00	MARCH HEALTH INS - CITY EXPENSE		
750-000.00-231.015	MARCH HEALTH INS - CITY EXPENSE	15,968.31	
GRP#7029499DIV#001	RETIREES MARCH HEALTH INS CITY EXPENSE		
101-855.00-874.001	RETIREES MARCH HEALTH INS CITY EXPENSE	6,327.66	
		VENDOR TOTAL:	22,295.97
06474	CONSUMERS ENERGY		
FEB 2016	ELECTRICITY 12/23 - 1/31		
101-448.00-926.000	STREET LIGHTING 1/1 - 1/31	6,466.25	
592-555.00-920.000	ELECTRICITY 12/23 - 1/26	9,399.61	
		15,865.86	
MARCH 2016	GAS & ELECTRICITY 1/24 - 2/19		
101-265.00-920.000	GAS & ELECTRICITY 1/24 - 2/19	6,115.69	
MARCH 2016	ELECTRICITY 1/27 - 2/23		
592-555.00-920.000	ELECTRICITY 1/27 - 2/23	8,198.33	
		VENDOR TOTAL:	30,179.88
05016	GRANGER		
FEB 2016	FEBRUARY REFUSE #2318 CUSTOMERS		
101-528.00-818.000	FEBRUARY REFUSE #2318 CUSTOMERS	28,418.68	
		VENDOR TOTAL:	28,418.68
05221	MCGINTY, HITCH, HOUSEFIELD, PERSON,		
FEB 2016	JAN LEGAL FEES		
101-266.00-826.000	JAN LEGAL FEES	9,035.29	
		VENDOR TOTAL:	9,035.29
05234	MML WORKERS COMPENSATION FUND		
2343204	4TH QTR 2015/2016 WORKERS COMP PREMIUM PAYMENT		
101-850.00-724.000	4TH QTR 2015/2016 WORKERS COMP PREMIUM	17,564.00	
		VENDOR TOTAL:	17,564.00
06993	PREIN & NEWHOF		
33376	WWTP HEADWORKS UPGRADE PROFESSIONAL SERVICES		
592-555.00-970.000	PROFESSIONAL SERVICES	5,500.00	
		VENDOR TOTAL:	5,500.00
07943	SIGNATURE FORD, L - M		
BQ547	2 - NEW 2016 FORD F150 4X2 PICK UP TRUCKS		
661-901.00-970.002	2 - NEW 2016 FORD F150 4X2 PK UP TRUCKS	43,772.00	
		VENDOR TOTAL:	43,772.00
05363	WOLVERINE ENGINEERS INC		
2016077	2016 LOCAL STREETS DESIGN/BID/ENGINEERING PROJ#15-0080		
202-451.00-970.211	2016 LOCAL STREETS DESIGN/BID/ENGINEER	32,000.71	
		VENDOR TOTAL:	32,000.71
		TOTAL - ALL VENDORS:	188,766.53

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

Deborah Stuart
City Administrator

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: March 9, 2016 **Agenda Item:** 7C

AGENDA ITEM

Resolution – Approval for Bad Brewing Company to Use the City Right-of-Way for an Outdoor Beer Festival

EXHIBITS

Special Events Application – Bad Brewing Outdoor Festivals

STAFF REVIEW

Office of the City Clerk

SUMMARY STATEMENT

Brian Rasdale of BAD Brewing Company is requesting to close Jefferson Street between Oak Street and Ash Street to hold an outdoor beer festival on June 4 and September 10, 2016, from 1:00 p.m. - 12:00 midnight. Staff reviewed the application and has no objection to the requested street and parking closures.

The Licensing and Regulatory Affairs (LARA) requires the applicant to provide written permission from the local governmental unit indicating that permission has been granted for use of the municipal owned property.

RECOMMENDED ACTION

Move to approve resolution allowing Bad Brewing Company to use the City Right-of-Way for Outdoor Beer Festivals on June 4 and September 10, 2016, from 1:00 p.m. - 12:00 midnight.

Introduced:
Second:

CITY OF MASON
CITY COUNCIL RESOLUTION

APPROVAL FOR BAD BREWING COMPANY
TO USE THE CITY RIGHT-OF-WAY FOR AN OUTDOOR BEER FESTIVAL

Mach 9, 2016

WHEREAS, the City of Mason promotes special events that provide the community with entertainment and refreshment for their enjoyment; and

WHEREAS, Brian Rasdale, owner of Bad Brewing Company, has applied to hold two outdoor beer festivals, June 4 and September 10, 2016; and

WHEREAS, Mr. Rasdale is requesting to close Jefferson Street between Oak and Ash streets, for the hours 1:00 p.m. – 12 midnight.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mason that permission is hereby granted for Mr. Brian Rasdale to utilize the City of Mason right-of-way by closing Jefferson Street between Oak and Ash streets, for the hours 1:00 p.m. – 12 midnight to permit an outdoor beer festival June 4 and September 10, 2016.

Yes

No

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Mason City Council at its regular meeting on March 9, 2016, the original of which is part of the Council's minutes.

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

City of Mason
Special Events Application

Complete and return this application to the City Clerk's Office at least 21 calendar days prior to the starting date of the event.
A new application must be submitted each year.

Event

Event Name: BAD BREWING OUTDOOR FESTIVALS

Event Purpose: OUTDOOR BEER FESTIVAL

Sponsoring Organization Information

Legal Business Name: BAD BREWING COMPANY LLC

Address: 440 S. JEFFERSON ST. City: MASON State/Zip: MI, 48854

Mailing Address: 440 S. JEFFERSON ST. City: MASON State/Zip: MI, 48854

Telephone: 517-819-4259 Email Address: badbrewing@gmail.com

Contact Name: BRIAN RASDALE Title: OWNER

Telephone: 517-819-4259 Email Address: badbrewing@gmail.com

Contact Person on Day of Event

Name: BRIAN RASDALE Title: OWNER

Address: 440 S. JEFFERSON ST. City MASON State/Zip: MI, 48854

Telephone: 517-819-4259 Cell Phone: 517-819-4259 Email Address: badbrewing@gmail.com

Type of Event (Check one)

- ☐ City Operated/Sponsored Event
- ☐ Co-sponsored Event
- ☐ Non-Profit Event
- ☒ For Profit Event
- ☐ Political or Ballot Issue Event
- ☐ Wedding
- ☐ Block Party
- ☐ Video or Film Production
- ☐ Run Event
- ☐ Other (describe)

Event Information

Event Location(s):
IN FRONT OF BREWERY ON JEFFERSON ST. BETWEEN 421 S. JEFFERSON ST. AND OAK ST.

Event Date(s): JUNE 4TH, 2016, SEPTEMBER 10TH, 2016

Event Hours: 5pm TO 11pm

Date/time for set up:
6/11, 9/10 1pm

Date/time for clean up:
6/11, 9/10 12AM

Describe set up and clean up procedures:
PUT UP AND TEAR DOWN FENCING, TENTS, TABLES, CHAIRS ECT.

Estimated DAILY attendance: 700- 1000

Describe crowd control plans for this event:

RUN EVENTS SAME AS LAST YEAR AS NO ISSUES WERE REPORTED. ONE ENTRY EXIT POINT, WRISTBANDS WITH ANY ID CHECK

Describe the Special Event's impact on adjacent commercial and residential property:

A Signature Form must be attached.

NONE, SIDEWALKS IN FRONT OF ALL OTHER BUSINESSES WILL REMAIN OPEN FOR FOOT TRAFFIC.

Will sidewalks be used? ☒ **YES** ☐ **NO**

If yes, include a detailed map outlining the Sidewalks must be accessible for pedestrian traffic.

Describe sidewalk use:

THE SIDEWALK IN FRONT OF THE BREWERY MUST BE CLOSED AS TO CONNECT THE BREWERY WITH THE EVENT.

Will street closures be necessary? ☒ **YES** ☐ **NO**

If yes, include a detailed map indicating road closures, emergency vehicle access, and barricade locations.

Describe street closures:

JEFFERSON ST FROM 421 S. JEFFERSON TO OAK ST. FENCING ACROSS THE ALLEYS WILL BE EASIALY REMOVEABLE FOR EMERGENCY ENTRANCE FOR MEDICAL ISSUES, FIRE/POLICE RESPONSE.

*** Streets closed: Date/Time:**

6/~~11~~ 4, 9/10 1 pm

*** Streets re-open: Date/Time:**

6/12, 9/10 12 pm

Will parking lot closures be necessary? ☐YES ☒ NO

If yes, include a detailed map indicating proposed closures and barricade locations

Describe parking lot closures:

*** Parking lot(s) closed: Date/Time:**

*** Parking lot(s) re-open: Date/Time:**

What parking arrangements are proposed to accommodate attendance?

Will music be provided/included during the event? ☒ YES ☐ NO

Describe type of music proposed: ☒ Live ☒ Amplification ☐ Recorded ☐ Loudspeakers

Sound Amplification Equipment Registraton Statement must be completed and attached with receipt of payment.

Will the event require the use of any of the following municipal equipment:

Sponsoring organization should expect to be charged for use, placement, and maintenance of these items

Sponsoring Organization may be required to supply a dumpster

- ☐ Trash Receptacles* Quantity: _____
- ☒ Barricades Quantity: 3
- ☐ Traffic Cones Quantity: _____
- ☐ Other (describe):

Will the following be constructed or located in the event area?

No stakes of any kind allowed in asphalt.

Item	Quantity	Item	Quantity
☒ Booths:	2	☒ Tables:	15
☒ Tents:	3	☐ Rides:	
☐ Awnings:	SAME	☒ Portable Toilets:	6
☒ Canopies		(may be required depending on event)	
☐ Rides:		☐ Other (describe):	

You must attach a plan of the proposed layout. Include the proposed location of booths, tents, tables, portable toilets, rides, routes, etc.

Will the event have kiddie rides, inflatables (i.e. moonwalk), amusement rides, climbing walls, live animals, hot air balloon, etc.?

☐ YES ☒ NO *If yes, additional insurance coverage will be required*

If yes, describe in detail the types of attractions proposed:

Will the event have food, beverage or concessions? ☒ **YES** ☐ **NO**

(Health department approvals and temporary food license requirements)

Describe: GOOD BITES FOOD TRUCK (LICENSE ATTACHED)

Do you plan to have alcohol served at this event? ☒ **YES*** ☐ **NO**

** Include proposed location(s) on event layout*

If yes, Liquor Liability Insurance is required

If yes, describe measures to be taken to prohibit the sale of alcohol to minors or visibly impaired individuals.

ID CHECK AT DOOR AND EVENT WRISTBAND ISSUED. EVENT IS 21 AND OLDER ONLY. ALL SERVERS ARE TAM TRAIND FOR CHECKING ID'S, AND SERVING IMPAIRED PATRONS.

Do you need electricity for this this event? ☐ **YES*** ☒ **NO**

* Include proposed locations on event layout

If you do not identify all of the proposed locations that need electricity, the City cannot guarantee electricity will be made available for the duration of your event.

Do you plan to have special event signs? ☐ Yes ☒ No

Signs must conform to City ordinances

Describe signs, proposed locations, etc.

Do you plan to have banners?

☐ Yes ☒ No

Describe banner, location, what it will be attached to.

Application Check List (failure to provide necessary documentation will delay application review and approval)

Check the following items that are attached:

☒ Completed Application

☒ Event Map (includes detailed event layout for vendors, rides, booths, eletrical needs, etc.)

☒ Detailed Plan showing road closures, sidewalk use, etc.

☐ Certificate of Insurance and Indemnification (due to City Clerk's Office within 1 week following notice of event approval)

☒ Sound Amplification Equipment Registration Statement

☒ Copy of Health Department approvals and temporary food license (for all food and beverage vendors)

☐ Liquor Liability Insurance (if serving alcohol)

☒ Signature Page

☐ Event Signage (description)

☒ Driver's License of Applicant

If document is missing, please explain:

INSURANCE EXP. 5/31. AND WILL BE PRESENTED AS SOON ISSUED JUST LIKE LAST 2 YEARS.

The applicant and sponsoring organization understands and agrees to:

Provide a certificate of insurance with all coverages deemed necessary for the event, name the City of Mason as an additional insured on all applicable policies, and submit the certificate to the City Clerk's Office no later than one week following notice of the event approval.

Execute an Indemnification Agreement on the sponsoring organizations letterhead and submit it to the City Clerk's Office no later than one week following notice of the event approval.

Comply with all City and County ordinances and applicable State laws, City policies and acknowledges that the special events permit does not relieve the applicant or sponsoring organization from meeting any application requirements of law or other public bodies or agencies;

Promptly pay any billing for City services which may be rendered or deemed necessary as part of the event and event approval.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the City's review of this application, in accordance with the City's Special Events Policy. The applicant and sponsoring organization understands that it may be necessary to meet with City staff during the review of this application and that City Council approval may be necessary. The applicant agrees the sponsoring organization will operate the event in conformance with the written approval.

Applicant understands that he/she (or the sponsoring organization) is responsible for contacting the Michigan Liquor Control Commission and/or the County Health Department to secure any and all permits required for this event.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.

Indemnity, Hold Harmless and Insurance Agreement

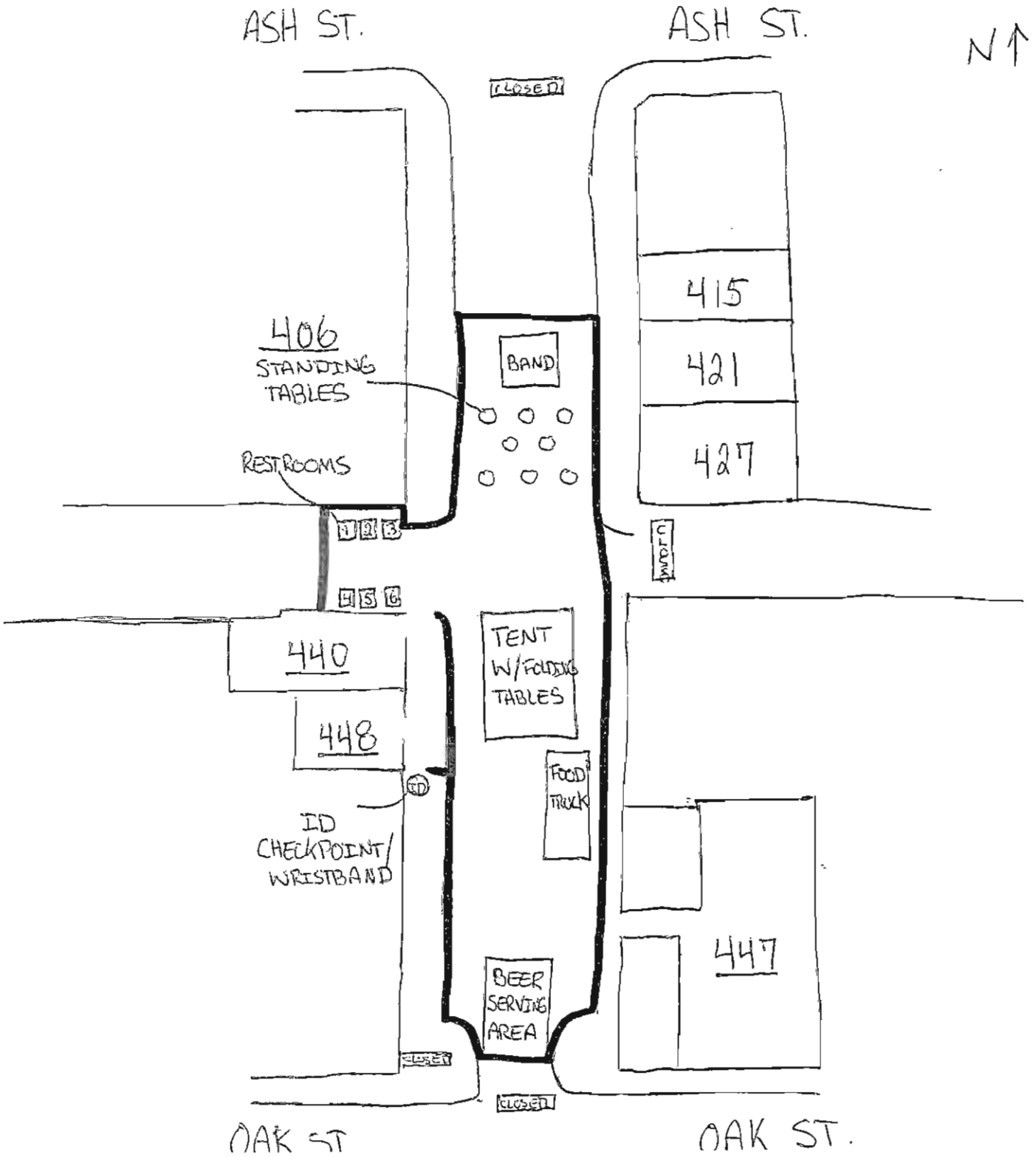
In consideration of the closing of the public street and permitting its use by BAD BREWING CO. LLC *(Name of Company)*
on the 6/14 JUNE 9/10 *day of* SEPTEMBER *2014, to the fullest extent permitted by law, the*

BAD BREWING CO. LLC *agrees to defend, pay on behalf of, indemnify, and hold harmless the* *(Name of Company)*
City of Mason, its elected and appointed officials, employees, agents and volunteers, and others working on behalf of the City of Mason against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from the City of Mason, by reason of personal injury or otherwise, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of, or is in any way connected or associated with (describe event).

BAD BREWING CO. LLC *further agrees to procure and maintain during the life of this* *(Name of Company)*
agreement, Liability Insurance for events of this nature on an "Occurrence Basis" with limits of liability not less than $1,000,000 per occurrence and aggregate. Liability insurance, as described above, shall include an endorsement stating the following shall be additional insureds: The City of Mason, all elected and appointed officials, all employees and volunteers, agents, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed by naming the City of Mason as additional insured, coverage afforded is considered to be primary and any other insurance the City of Mason may have in effect shall be considered secondary and/or excess.

By:

Applicant Signature	Date 1/26/16
Complete this application and return it, along with all required documentation, to the City Clerk's Office at least 21 calendar days prior to the starting date of the event. Please note that a new application must be submitted each year.	OFFICE USE: Application Receipt Date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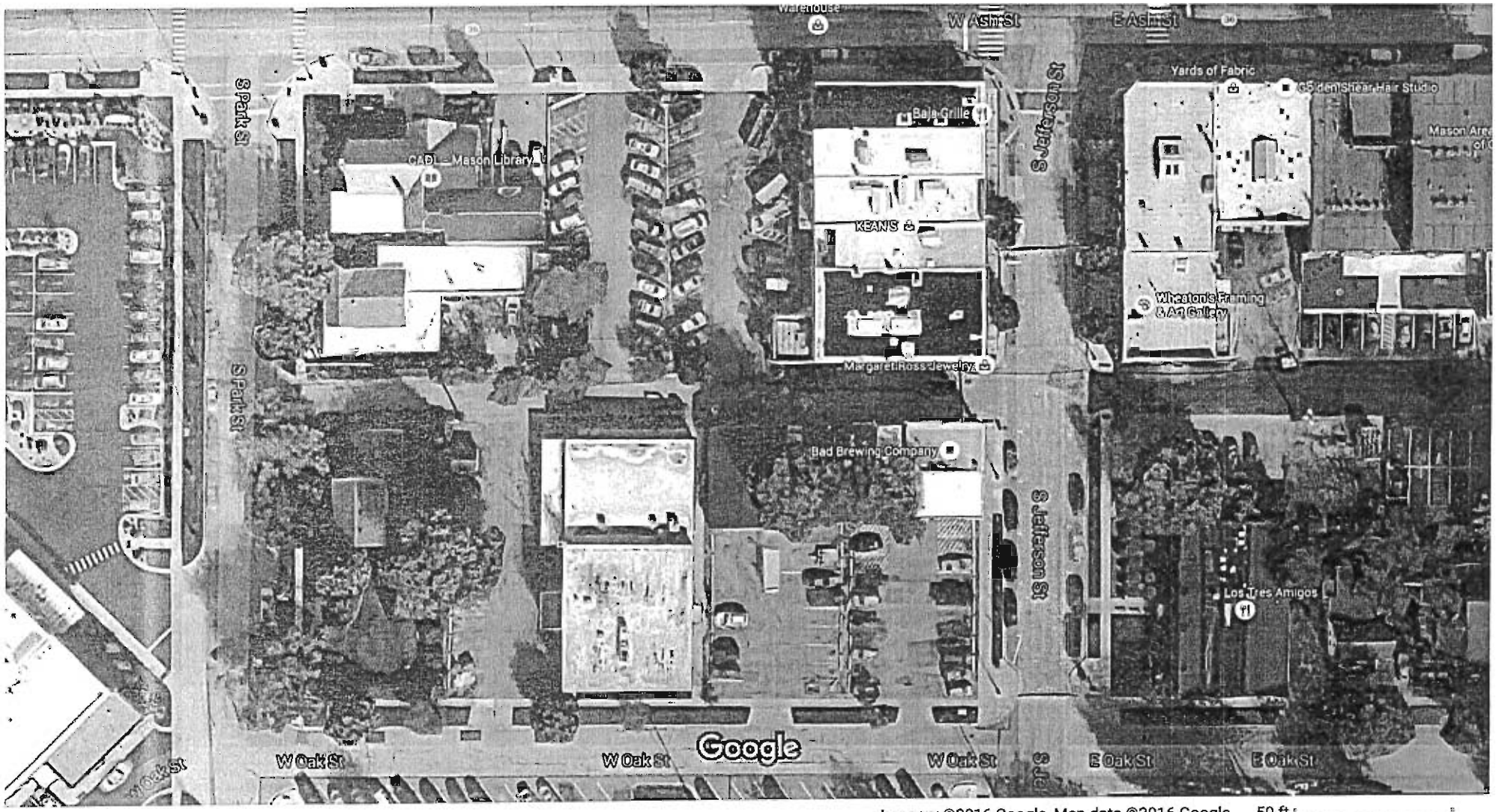

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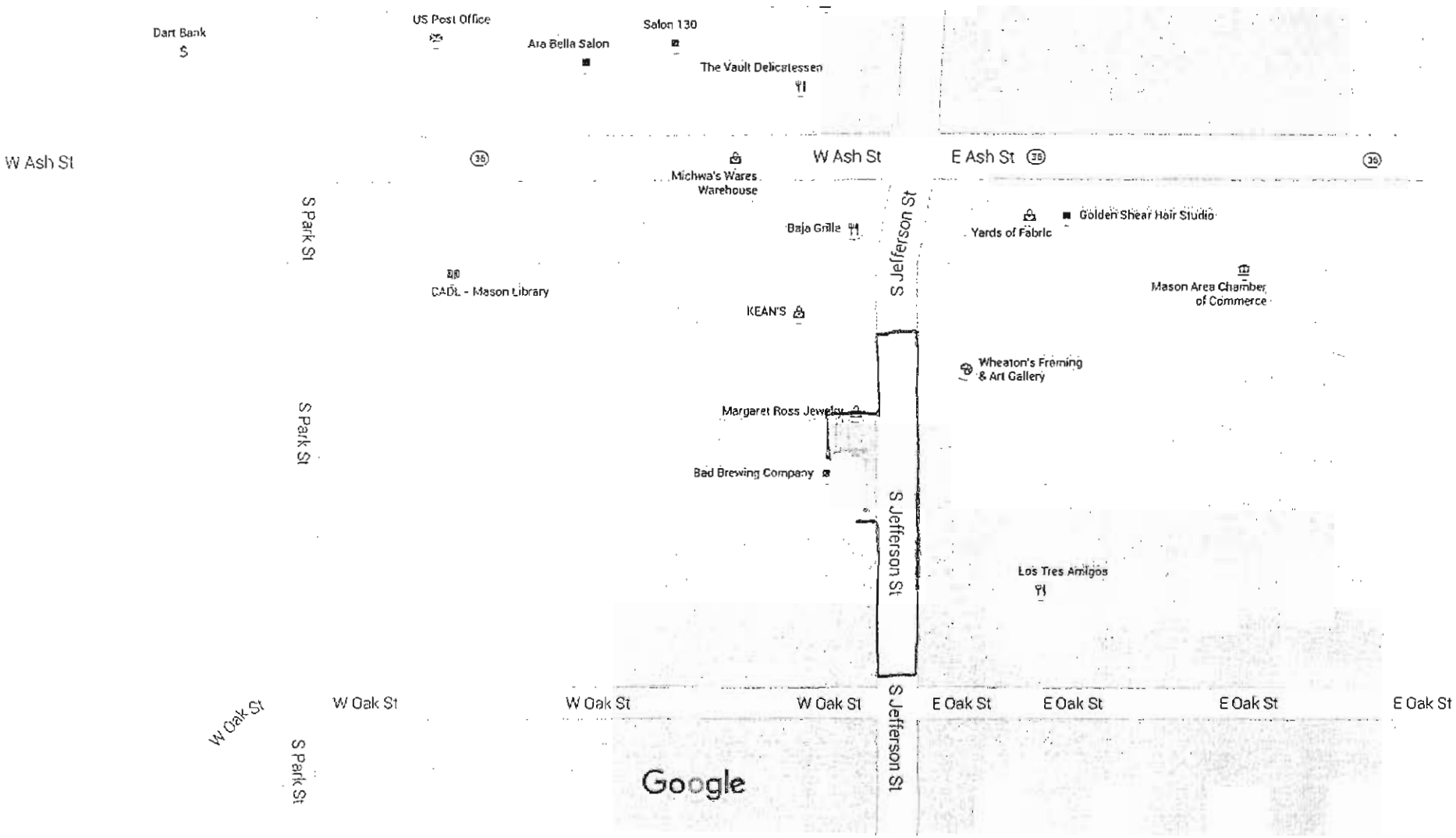


Map data ©2016 Google 50 ft

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: March 9, 2016 **Agenda Item:** 7D

AGENDA ITEM
Motion — Request for Street Closures for the Mason State Bank 5K Race on May 6, 2016

EXHIBITS
Special Events Application – Mason State Bank 5K Run/Walk

STAFF REVIEW
Office of the City Clerk

SUMMARY STATEMENT
Mason State Bank is requesting street closures from 4:00 p.m. to 10:00 p.m. to hold the Annual Mason State Bank 5K Run on Friday, May 6, 2016. The race will begin at 7:00 p.m. on Maple Street in front of the court house, to Temple Street through Rayner Pond Subdivision, ending back on Maple Street at approximately 8:30 p.m. The route has not changed from previous years' race. Electricity is requested on each side of Maple Street. Parking spaces will be blocked at 6:00 a.m. to reserve space for trailers to deliver equipment on Maple Street. Jefferson Street parking spaces at Maple Street will be blocked for massage tables and Barnes Street parking will be blocked at Maple Street to place porta johns. Staff reviewed the application and has no objection to the requested street and parking closures.

RECOMMENDED ACTION
Move to approve the request of street closures by Mason State Bank from 4:00 – 10:00 p.m. to allow the annual Mason State Bank 5K Run/Walk and to close Maple Street parking at 6:00 a.m., Barnes and Jefferson streets parking at 4:00 p.m., as well as provide electricity located on both sides of Maple Street.

RECEIVED

FEB 23 2016

MASON CITY CLERK

City of Mason
Special Events Application

Complete and return this application to the City Clerk's Office at least 21 calendar days prior to the starting date of the event.
A new application must be submitted each year.

Event

Event Name: Mason State Bank 5K Run/Walk

Event Purpose:
To raise money for Mason Public Schools

Sponsoring Organization Information

Legal Business Name: Mason State Bank

Address: 322 S. Jefferson St. | City: Mason | State/Zip: MI 48854

Mailing Address: P.O. Box 130 | City: Mason | State/Zip: MI 48854

Telephone: 517-676-0500 | Email Address: kathy.wakefield@masonstate.com

Contact Name: Kathy Wakefield | Title: V.P. Branch Administration

Telephone: 517-676-0500 | Email Address: same as above

Contact Person on Day of Event

Name: Kathy Wakefield | Title: same as above

Address: same as above | City | State/Zip:

Telephone: same | Cell Phone: 517-449-5235 | Email Address: same

Type of Event (Check one)

- ☐ City Operated/Sponsored Event
- ☐ Co-sponsored Event
- ☐ Non-Profit Event
- ☐ For Profit Event
- ☐ Political or Ballot Issue Event
- ☐ Wedding
- ☐ Block Party
- ☐ Video or Film Production
- ☒ Run Event
- ☐ Other (describe)

Event Information

Event Location(s): Race begins on Maple St. in front of the court house. Continues down Temple and into Rayner Pond Subdivision and ends back on Maple Street.

Event Date(s):
5/6/2016

Event Hours: Race starts at 7:00 p.m. and ends at approx. 8:30 p.m.

Date/time for set up: 5/6/2016 3:00 p.m.

Date/time for clean up: 5/6/2016 8:00 p.m.

Describe set up and clean up procedures: Blocking off Maple Street, setting up canopies and the starting line timing equipment. Placing cones and barricades along the route. After the race, cleaning up the area of all trash, removing canopies, cones ~~adn~~ and barricades.

Estimated DAILY attendance: 2500-3500

Describe crowd control plans for this event: One on duty police officer and 4 to 5 overtime police officers plus many volunteers that will direct people during the event. Volunteers at intersections along the race route with cell phones in case of emergency.

Describe the Special Event's impact on adjacent commercial and residential property:

A Signature Form must be attached. NA

Will sidewalks be used? ☒ YES ☐ NO

If yes, include a detailed map outlining the Sidewalks must be accessible for pedestrian traffic.

Describe sidewalk use: Clowns setup in front of Verizon but will not block the sidewalk.

Will street closures be necessary? ☒ YES ☐ NO

If yes, include a detailed map indicating road closures, emergency vehicle access, and barricade locations.

Describe street closures: Blocking off Maple Street in front of the court house. Cones along the route to keep runners on the sides of the streets away from traffic.

*** Streets closed: Date/Time:** 5/6/16 4:00 p.m. / cones placed on route

*** Streets re-open: Date/Time:** 5/16/16 9:00 p.m. to 10:00 p.m. cones removed

Will parking lot closures be necessary? ☒ YES ☐ NO

If yes, include a detailed map indicating proposed closures and barricade locations

Describe parking lot closures: Blocking off parking spaces between the entrance and exit of circle drive at court house at 6:00 a.m.to reserve area for trailers to drop off all of the equipment. We will close off Maple Street in front of the court house at 4:00 to setup canopies and timing equipment. We wil also close off parking spaces on Jefferson Street in front of the court house to setup massage tables. 3 spaces blocked off on the east side of southbound Barnes St. for the porta johns.

*** Parking lot(s) closed: Date/Time:** 5/6/16 6:00 a.m. on Maple in front of the court house. 4:00 on Jefferson St.

*** Parking lot(s) re-open: Date/Time:** 5/6/16 10:00 p.m.

What parking arrangements are proposed to accommodate attendance? People find their own parking.

Will music be provided/included during the event? ☒ YES ☐ NO

Describe type of music proposed: ☐ Live ☐ Amplification ☐ Recorded ☒ Loudspeakers

Sound Amplification Equipment Registraton Statement must be completed and attached with receipt of payment.

Will the event require the use of any of the following municipal equipment:

Sponsoring organization should expect to be charged for use, placement, and maintenance of these items

Sponsoring Organization may be required to supply a dumpster

- ☐ Trash Receptacles* Quantity: _____
- ☐ Barricades Quantity: 75
- ☒ Traffic Cones Quantity: ~~125~~
- ☐ Other (describe):

Will the following be constructed or located in the event area?

No stakes of any kind allowed in asphalt.

Item	Quantity	Item	Quantity
☐ Booths:	_____	☒ Tables:	20
☐ Tents:	_____	☐ Rides:	_____
☐ Awnings:	_____	☒ Portable Toilets: (may be required depending on event)	9
☒ Canopies	2	☐ Other (describe):	_____
☐ Rides:	_____		

6 shared with the Chamber because of Spring Fling, the other 3 at the race area

You must attach a plan of the proposed layout. Include the proposed location of booths, tents, tables, portable toilets, rides, routes, etc.

Will the event have kiddie rides, inflatables (i.e. moonwalk), amusement rides, climbing walls, live animals, hot air balloon, etc.?

☐ YES ☒ NO *If yes, additional insurance coverage will be required*

If yes, describe in detail the types of attractions proposed:

Will the event have food, beverage or concessions? ☐ **YES** ☒ **NO**

(Health department approvals and temporary food license requirements)

Describe:

Do you plan to have alcohol served at this event? ☐ **YES*** ☒ **NO**

** Include proposed location(s) on event layout*

If yes, Liquor Liability Insurance is required

If yes, describe measures to be taken to prohibit the sale of alcohol to minors or visibly impaired individuals.

Do you need electricity for this this event? ☒ **YES*** ☐ **NO**

* Include proposed locations on event layout

If you do not identify all of the proposed locations that need electricity, the City cannot guarantee electricity will be made available for the duration of your event.

Do you plan to have special event signs? ☐ Yes ☒ No

Signs must conform to City ordinances

Describe signs, proposed locations, etc.

Do you plan to have banners?

☒ Yes ☐ No

Describe banner, location, what it will be attached to. Mason State Bank 5K banner stretched across the poles at the timing equipment. Playmakers will have stand alone flags.

Application Check List (failure to provide necessary documentation will delay application review and approval)

Check the following items that are attached:

☒ Completed Application

☒ Event Map (includes detailed event layout for vendors, rides, booths, eletrical needs, etc.)

☒ Detailed Plan showing road closures, sidewalk use, etc.

☐ Certificate of Insurance and Indemnification (due to City Clerk's Office within 1 week following notice of event approval) To Follow

☒ Sound Amplification Equipment Registration Statement

☐ Copy of Health Department approvals and temporary food license (for all food and beverage vendors)

☐ Liquor Liability Insurance (if serving alcohol)

☒ Signature Page

☒ Event Signage (description)

☒ Driver's License of Applicant

If document is missing, please explain:

The applicant and sponsoring organization understands and agrees to:

Provide a certificate of insurance with all coverages deemed necessary for the event, name the City of Mason as an additional insured on all applicable policies, and submit the certificate to the City Clerk's Office no later than one week following notice of the event approval.

Execute an Indemnification Agreement on the sponsoring organizations letterhead and submit it to the City Clerk's Office no later than one week following notice of the event approval.

Comply with all City and County ordinances and applicable State laws, City policies and acknowledges that the special events permit does not relieve the applicant or sponsoring organization from meeting any application requirements of law or other public bodies or agencies;

Promptly pay any billing for City services which may be rendered or deemed necessary as part of the event and event approval.

Applicant and sponsoring organization further understands the approval of this special event may include additional requirements and/or limitations based on the City's review of this application, in accordance with the City's Special Events Policy. The applicant and sponsoring organization understands that it may be necessary to meet with City staff during the review of this application and that City Council approval may be necessary. The applicant agrees the sponsoring organization will operate the event in conformance with the written approval.

Applicant understands that he/she (or the sponsoring organization) is responsible for contacting the Michigan Liquor Control Commission and/or the County Health Department to secure any and all permits required for this event.

As the duly authorized agent of the sponsoring organization, I hereby apply for approval of this Special Event and affirm the above understandings. The information provided on this application is true and complete to the best of my knowledge.

Indemnity, Hold Harmless and Insurance Agreement

In consideration of the closing of the public street and permitting its use by Mason State Bank *(Name of Company)*

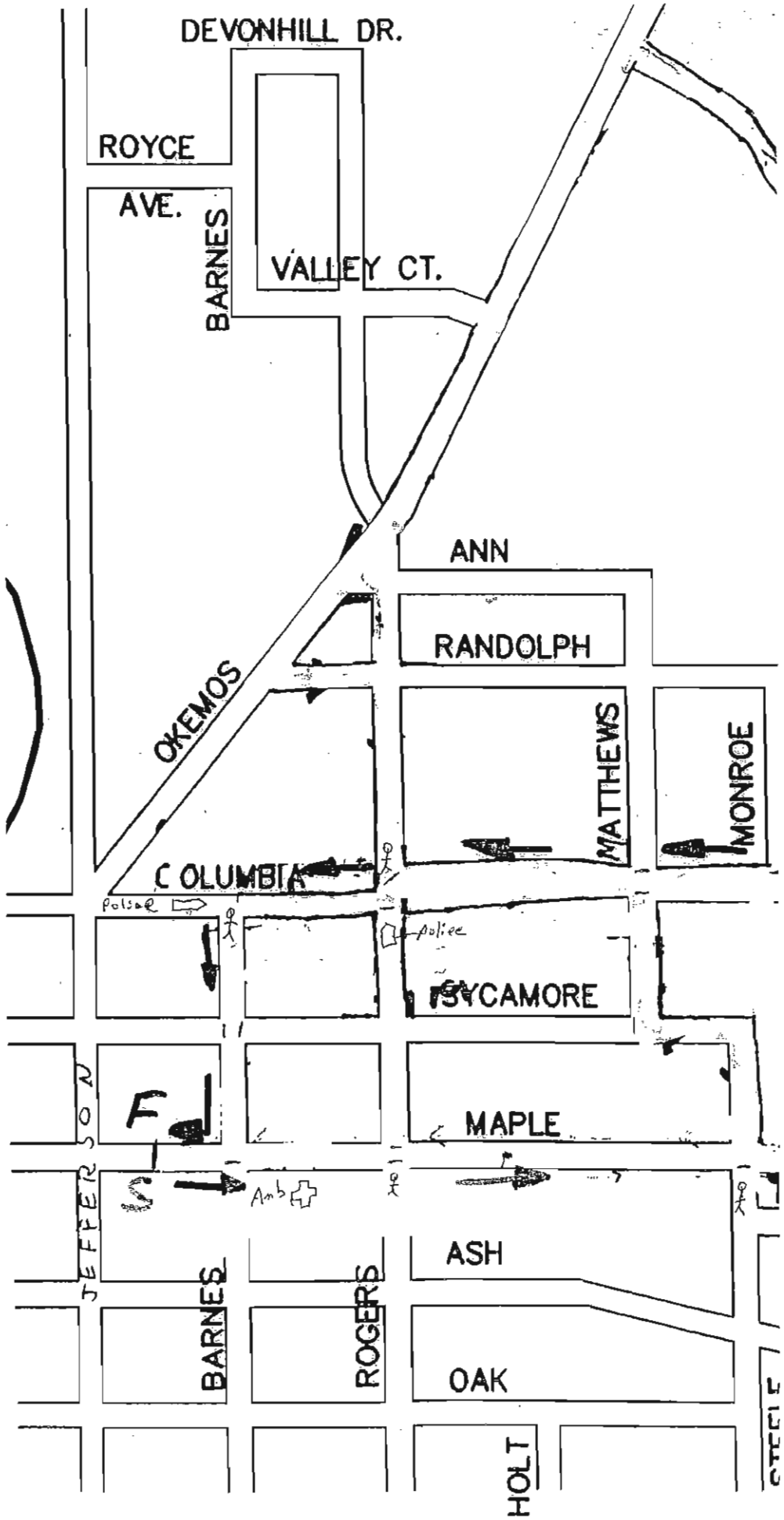
on the 6th *day of* May 2015 *, 2014, to the fullest extent permitted by law, the*

Mason State Bank *(Name of Company)* *agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Mason, its elected and appointed officials, employees, agents and volunteers, and others working on behalf of the City of Mason against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from the City of Mason, by reason of personal injury or otherwise, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of, or is in any way connected or associated with (describe event).*

Mason State Bank *(Name of Company)* *further agrees to procure and maintain during the life of this agreement, Liability Insurance for events of this nature on an "Occurrence Basis" with limits of liability not less than $1,000,000 per occurrence and aggregate. Liability insurance, as described above, shall include an endorsement stating the following shall be additional insureds: The City of Mason, all elected and appointed officials, all employees and volunteers, agents, all boards, commissions, and/or authorities and board members, including employees and volunteers thereof. It is understood and agreed by naming the City of Mason as additional insured, coverage afforded is considered to be primary and any other insurance the City of Mason may have in effect shall be considered secondary and/or excess.*

By: Kathy Walaf

Applicant Signature	Date 2-23-16
Complete this application and return it, along with all required documentation, to the City Clerk's Office at least 21 calendar days prior to the starting date of the event. Please note that a new application must be submitted each year.	OFFICE USE: Application Receipt Date



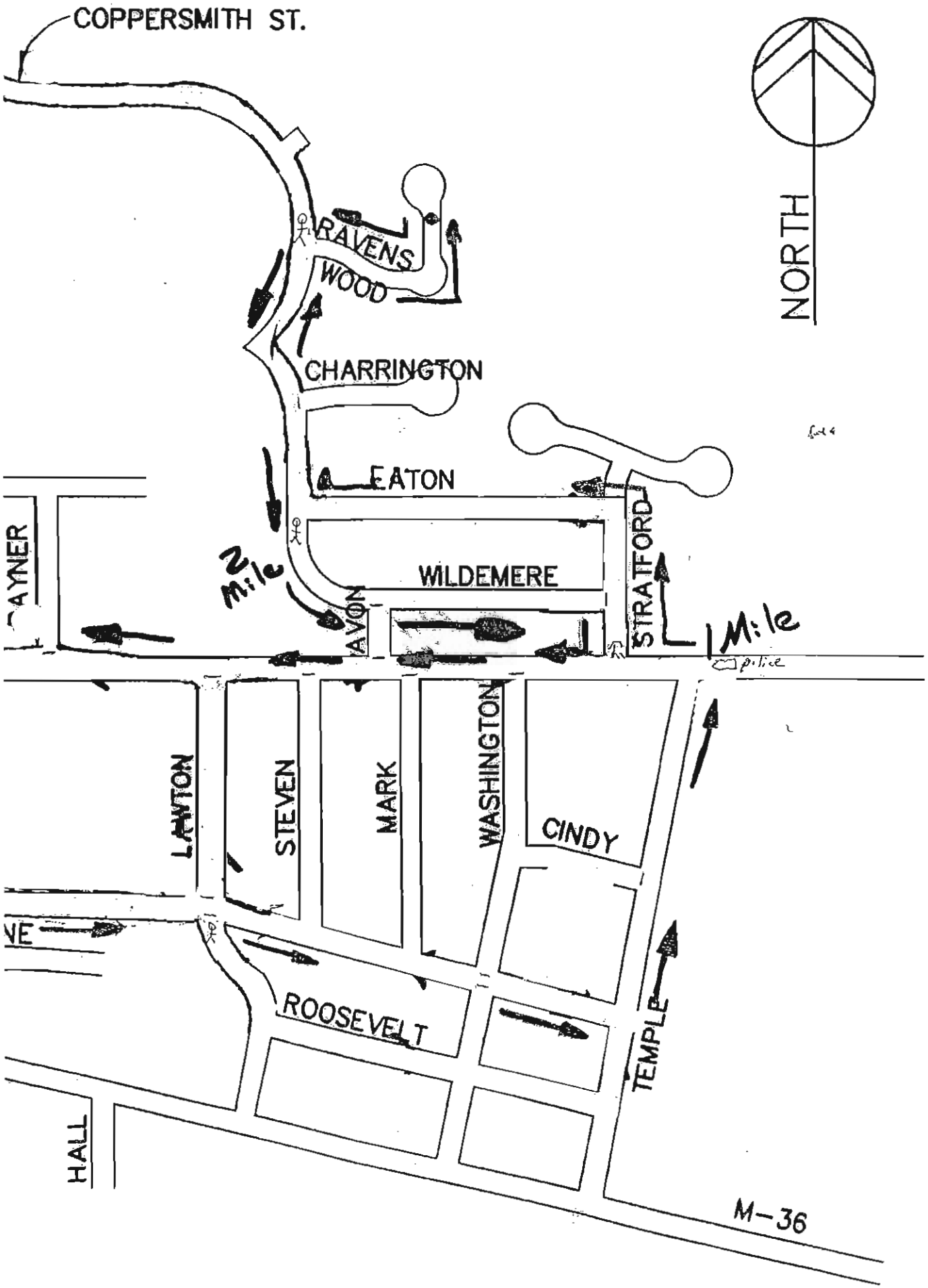
ambulance

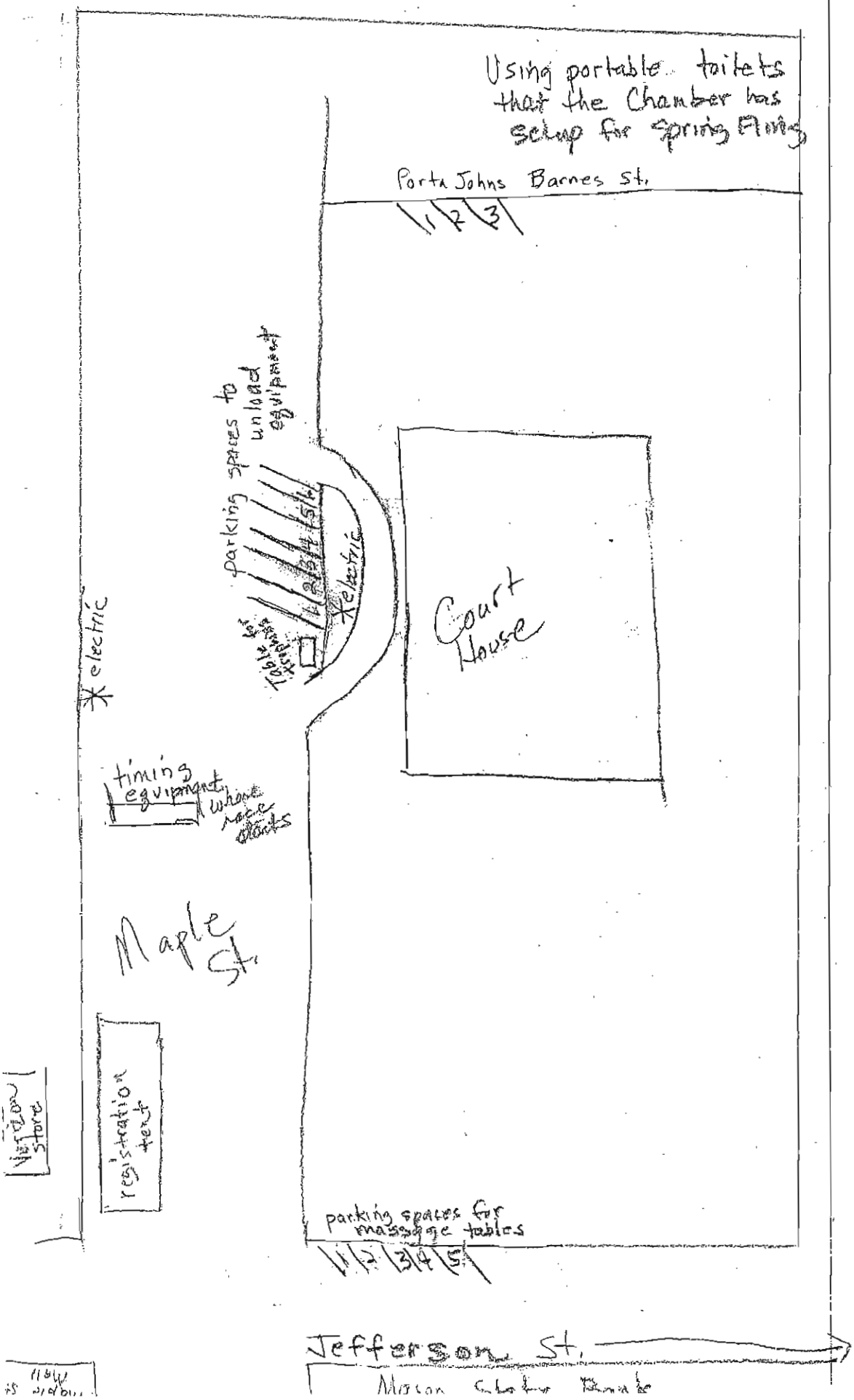
single barricade

double barricades

volunteers

police car


COPPERSMITH ST.
NORTH
RAVENS WOOD
CHARRINGTON
EATON
WILDEMERE
AYNER
AVON
STRATFORD
2 Mile
1 Mile
police
LAWTON
STEVEN
MARK
WASHINGTON
CINDY
ROOSEVELT
TEMPLE
HALL
M-36


Using portable toilets that the Chamber has setup for Spring Fling
Porta Johns Barnes St.
1 2 3
parking spaces to unload equipment
1 2 3 4 5 6
electric
Table for trophies
electric
Court House
timing equipment where race starts
Maple St.
Vernon store
registration tent
parking spaces for massage tables
1 2 3 4 5
Jefferson St.
Mason State Bank

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: March 9, 2016 **Agenda Item:** 8A

AGENDA ITEM

Resolution – Authorization Releasing Funds for Spot Repair and Reconstruction of Sidewalks on Ash Street Between Rogers Street and Temple Street

EXHIBITS

Letter from City Engineer Don Heck dated February 10, 2016 regarding City of Mason – 2016 Sidewalk Improvements – Ash Street (Rogers St. to Temple St.)

STAFF REVIEW

Public Works Director

SUMMARY STATEMENT

The City of Mason went out for public bids for the spot repair and reconstruction of the sidewalks on Ash Street between Rogers Street and Temple Street. Bids were received and publicly opened on February 9, 2016, and the low bidder is Reith-Riley Construction with a bid of $42,013.50.

RECOMMENDED ACTION

Move to approve the expenditures and authorize signature authority to the City Administrator.

Introduced:
Second:

CITY OF MASON
CITY COUNCIL RESOLUTION

AUTHORIZATION RELEASING FUNDS FOR SPOT REPAIR AND RECONSTRUCTION OF SIDEWALKS ON ASH STREET BETWEEN ROGERS STREET AND TEMPLE STREET

MARCH 9, 2016

WHEREAS, the City of Mason went out for public bids for the spot repair and reconstruction of the sidewalks on Ash Street between Rogers Street and Temple Street; and

WHEREAS, bids were received and publicly opened on February 9, 2016; and

WHEREAS, the low bidder is Reith-Riley Construction with a bid of $42,013.50.

BE IT HEREBY RESOLVED, that the Mason City Council approve the expenditures of $42,013.50 for the spot repair and reconstruction of sidewalks on Ash Street between Rogers Street and Temple Street and authorize signature authority to the City Administrator.

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 Wednesday, March 9, 2016, the original of which is part of the City Council minutes.

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

Wolverine Engineers & Surveyors, Inc.
312 North Street • Mason, Michigan 48854 • 517.676.9200 • Fax 517.676.9396

February 10, 2016

Mr. Ken Baker, Director, Department of Public Works
City of Mason
201 W. Ash St.
Mason, MI 48854

Re: **City of Mason –2016 Sidewalk Improvements - Ash Street (Rogers St. To Temple St.)**

Dear Mr. Baker:

On Tuesday, February 9, 2016, at 10:00 A.M. bids for the Mason 2016 Sidewalk Improvements-Ash Street (Rogers St. to Temple St.) were publicly opened and read aloud. A total of six (6) bids were received ranging from a low of $ 42,013.50 to a high of $ 73,575.00. A tabulation of bids is enclosed for your review.

The low three (3) bids were:

Rieth-Riley Construction Co.	$ 42,013.50 (13% below Estimate)
Able Concrete	$ 61,700.00 (23% above Estimate)
Great Lakes Fusion	$ 62,700.00 (25% above Estimate)
Engineer's Estimate	$ 47,625.00

The low bidder, Rieth-Riley Construction Co., is known to us and has worked on several projects with Wolverine and the City of Mason in the past Based upon our knowledge and working relationship with Rieth-Riley Construction, we recommend award of a contract in the amount of $ 42,013.50, for the Mason 2016 Sidewalk Improvements-Ash Street (Rogers St. to Temple St.) to Rieth-Riley Construction Co..

Enclosed are five (5) copies of the Notice of Award form for your signature and return to us, if the Council concurs with our recommendation. We will forward the Notice of Award, along with the contract and bond forms to Rieth-Riley Construction Co. to fill out and return to us for final processing.

If you have any questions or require additional information, please do not hesitate to call.

Very truly yours,

WOLVERINE ENGINEERS AND SURVEYORS, INC.

Donald B. Heck, P.E.
cc: Deborah Stuart, Administrator
Encl.
DBH:rjc

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: March 9, 2016 **Agenda Item:** 8B

AGENDA ITEM
Resolution – Authorization Releasing Funds for Local Streets Reconstruction

EXHIBITS
Letter from City Engineer Don Heck dated February 9, 2016 regarding Mason – 2016 Local Streets

STAFF REVIEW
Public Works Director

SUMMARY STATEMENT
The City of Mason went out for public bids for the reconstruction of the local streets of South Cedar Street - Willow Creek to Kipp Road; South Rogers Street - East Ash to East South Street; East Cherry Street - South Jefferson to Rogers Street; East Oak Street - Barnes to Rogers Street; West Ash Street - Peachtree to Hayes Park; East Street - West Columbia to North Street; Oak Street - Jefferson to Park Street; Park Street - Oak to Ash Street. These street projects include water main and sanitary sewer main work. Bids were received and publicly opened on February 9, 2016, and the low bidder is Reith-Riley Construction with a bid of $1,159,046.92.

RECOMMENDED ACTION
Move to approve the expenditures and authorize signature authority to the City Administrator.

Introduced:
Second:

CITY OF MASON
CITY COUNCIL RESOLUTION

AUTHORIZATION RELEASING FUNDS FOR LOCAL STREETS RECONSTRUCTION

MARCH 9, 2016

WHEREAS, the City of Mason went out for public bids for the reconstruction of the local streets of South Cedar Street-Willow Creek to Kipp Road; South Rogers Street- East Ash to East South Street; East Cherry Street - South Jefferson to Rogers Street; East Oak Street- Barns to Rogers Street; West Ash Street - Peachtree to Hayes Park; East Street - West Columbia to North Street.; Oak Street- Jefferson to Park Street; Park Street - Oak to Ash Street.; and

WHEREAS, bids were received and publicly opened on February 9, 2016; and

WHEREAS, the low bidder is Reith-Riley Construction with a bid of $1,159,046.92.

BE IT HEREBY RESOLVED, that the Mason City Council approve the expenditures of $1,159,046.92 for the reconstruction of South Cedar Street - Willow Creek to Kipp Road; South Rogers Street - East Ash to East South Street; East Cherry Street - South Jefferson to Rogers Street; East Oak Street - Barnes to Rogers Street; West Ash Street - Peachtree to Hayes Park; East Street - West Columbia to North Street; Oak Street - Jefferson to Park Street; Park Street - Oak to Ash Street and authorize signature authority to the City Administrator.

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 Wednesday, March 9, 2016, the original of which is part of the City Council minutes.

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

Wolverine Engineers & Surveyors, Inc.
312 North Street • Mason, Michigan 48854 • 517.676.9200 • Fax 517.676.9396

February 09, 2016

Mr. Ken Baker, Director – Department of Public Works
City of Mason
201 W. Ash Street
Mason, MI 48854

RE: **Mason- 2016 Local Streets**

Dear Mr. Baker:

On Tuesday, February 9, 2016, the City of Mason received and publicly opened and read aloud (6) bids for Mason- 2016 Local Streets. We have attached a copy of the Bid Tabulation for your reference. The (3) low bids are as follows:

Rieth-Riley Construction	$1,159,046.92	(13% below Estimate)
TCI, Inc. of Michigan	$1,277,228.55	(3% below Estimate)
C&D Hughes, Inc.	$1,354,011.70	(4% above Estimate)
Engineer's Estimate	$1,311,690.00	

The low bidder, Rieth-Riley Construction, is known to us and has worked on several projects with Wolverine and the City of Mason in the past Based upon our knowledge and working relationship with Rieth-Riley Construction, we recommend award of a contract to Rieth-Riley Construction Company in the amount of $1,159,046.92, for the Mason-2016 Local Streets.

Enclosed are five (5) copies of the Notice of Award form for your signature and return to us if the Council concurs with our recommendation. We will then forward the Notice of Award, contract, bonds and insurance requirements to Rieth-Riley Construction to complete and return to us for further processing.

If you have any questions or require additional information, please do not hesitate to call.

Sincerely,

WOLVERINE ENGINEERS AND SURVEYORS, INC.

Donald B. Heck, P.E.
Encl.
DBH:jkr
cc: Deborah Stuart, Administrator

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: March 9, 2016 **Agenda Item:** 8C

AGENDA ITEM

Resolution - Approval to Award the Equipping of Wells No. 9 and No. 10 to Ed Birkmeier Well Drilling Ltd.

EXHIBITS

Letter from City Engineer Don Heck dated March 3, 2016 regarding City of Mason – Well No. 9 and No. 10 equipping

STAFF REVIEW

Public Works Director

SUMMARY STATEMENT

Wells No. 9 and No. 10 are ready to be equipped. All the required permits have been finalized and the project is nearing completion. This equipping bid includes all the equipment needed to put these two wells on line as well as a generator and fence around both wells.

Ten requests were sent out asking for bids for this well work. On February 26, 2016, three bids were received with the low bid from Ed Birkmeier Well Drilling Ltd. coming in at $248,348.00.

Ed Birkmeier Well Drilling Ltd.	$248,348.00
Robinson Electric & Mech. Inc.	$299,040.76
Dewind Well Drilling	$311,149.00

RECOMMENDED ACTION

Recommend the City Council approve the resolution to award the equipping of Wells No. 9 and No. 10 to Ed Birkmeier Well Drilling Ltd and authorizing signature authority to the City Administrator.

Introduced:
Second:

CITY OF MASON
CITY COUNCIL RESOLUTION

APPROVAL TO AWARD THE EQUIPPING OF WELLS NO. 9 AND NO. 10 TO ED BIRKMEIER WELL DRILLING LTD.

MARCH 9, 2016

WHEREAS, the City of Mason went out for public bids for the equipping of wells 9 & 10; and

WHEREAS, bids were received and publicly opened on February 23, 2016; and

WHEREAS, the low bidder is Ed Birkmeier Well Drilling Ltd. with a bid of $248,348.00.

BE IT HEREBY RESOLVED that the Mason City Council awards the contract of $248,348.00 to Ed Birkmeier Well Drilling Ltd. for the equipping of wells 9 and 10 and authorize signature authority to the City Administrator.

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 Wednesday, March 9, 2016, the original of which is part of the City Council minutes.

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

Wolverine Engineers & Surveyors, Inc.
312 North Street • Mason, Michigan 48854 • 517.676.9200 • Fax 517.676.9396

March 03, 2016

Mr. Ken Baker
Director of Public Works
City of Mason
P.O. Box 370
201 W. Ash Street
Mason, MI 48854

RE: City of Mason – Well No. 9 and No. 10 Equipping

Dear Mr. Baker:

On Tuesday, February 23, 2016 at 2:00 PM, bids for the City of Mason – Well No. 9 and No. 10 Equipping were publicly opened and read aloud. A total of 3 bids were received ranging from a low of $248,348.00 to a high of $311,149.00. The bids are as follows:

Ed Birkmeier Well Drilling	$ 248,348.00
Robinson Elec. & Mech. Inc.	$ 299,040.76
Dewind Well Drilling	$ 311,149.00

We are recommending the award of this contract to Ed Birkmeier Well Drilling in the amount of $ 248,348.00.

The low bidder, Ed Birkmeier Well Drilling, is known to us and has worked on projects with us in the past.

If the Council concurs with our recommendation, sign the enclosed five (5) copies of the Notice of Award form and return the signed copies to us. We will then forward the Notice of Award, along with the contract and bond forms and insurance requirements to Ed Birkmeier Well Drilling to complete and return to us for further processing.

If you have any questions or require additional information, please do not hesitate to call.

Sincerely,

WOLVERINE ENGINEERS & SURVEYORS, INC.

Donald B. Heck, PE
Encl.

Established 1919

S:\Projects\2012\12-0055\bidspecs\Well9-10-Equipping\12-0055Well9-10-recomm2016.doc

NOTICE OF AWARD

TO: **Ed Birkmeier Well Drilling, Ltd.**
9471 Genesee Street, Box 324
New Lothrop, MI 48460

Date: February 23, 2016

PROJECT Description: **City of Mason – Well No. 9 and No. 10 Equipping**

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated **Tuesday, February 23 2016**, and Information for Bidders.

You are hereby notified that your BID has been accepted for items in the amount of **$248,348.00.**

You are required by the Information for Bidders to execute the Contract and furnish the required CONTRACTOR'S Performance BOND, Payment BOND, Maintenance and Guarantee Bond and certificates of insurance within ten (10) calendar days from the date of this Notice to you.

If you fail to execute said Contract and to furnish said BONDS within ten (10) days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER'S acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the Owner.

Dated this ___day of _____, **2016**

CITY OF MASON
Owner
By:_____
Title:_____

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged

By: **Ed Birkmeier Well Drilling, Ltd.** this the_____day of_____, **2016.**
By:_____Title:_____

City of Mason - Well No. 9 and No. 10 Equipping - Bid Tabulation
Bid Date: Tuesday, February 23, 2016 - 2:00 PM

				Engineer's Estimate		Ed Birkmeier Well Drilling		Robinson Elec. & Mech, Inc.		Dewind Well Drilling	
						9471 Genesee St. Box 324		11475 W. Lincoln Rd., Box 69		9559 Henry Ct.	
						New Lothrop, MI 48460		Riverdale, MI 48877		Zeeland, MI 49464	
Item	Est. Qty.	Unit	Description	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	1	LS	Equip Well No. 9 with submersible pump and motor rated at 225 gpm @ 308 feet of TDH. Pump setting 240 feet below ground level. Estimated 30 HP motor, including all piping, cabling & fittings necessary for a complete installation	$30,000.00	$ 30,000.00	$ 14,916.00	$ 14,916.00	$ 14,900.00	$ 14,900.00	$ 20,540.00	$ 20,540.00
2	1	LS	Equip Well No. 10 with submersible pump and motor rated at 290 gpm @ 358 feet of TDH. Pump setting 290 feet below ground level. Estimated 40 HP motor, including all piping, cabling & fittings necessary for a complete installation	$34,000.00	$ 34,000.00	$ 18,430.00	$ 18,430.00	$ 17,324.76	$ 17,324.76	$ 22,795.00	$ 22,795.00
3	1	Ea	Baker Pitless Adapter - 8-inch	$ 4,000.00	$ 4,000.00	$ 6,049.00	$ 6,049.00	$ 9,935.60	$ 9,935.60	$ 5,200.00	$ 5,200.00
4	1	Ea	Baker Pitless Adapter - 12-inch	$ 6,000.00	$ 6,000.00	$ 10,357.00	$ 10,357.00	$ 16,024.00	$ 16,024.00	$ 9,895.00	$ 9,895.00
5	1	LS	"Hot Box" Enclosure, including all piping, penetrations, foundations, electrical and concrete work	$12,500.00	$ 12,500.00	$ 40,300.00	$ 40,300.00	$ 49,800.00	$ 49,800.00	$ 59,800.00	$ 59,800.00
6	1	LS	Electrical Work, Including furnishing & installing all equipment exterior lights, as underground power to wells and all other appurtenances required for a complete and fully functioning system	$20,000.00	$ 20,000.00	$ 54,000.00	$ 54,000.00	$ 48,500.00	$ 48,500.00	$ 56,174.00	$ 56,174.00
7	1	LS	150 A Automatic Transfer Switch	$ 3,000.00	$ 3,000.00	$ 5,802.00	$ 5,802.00	$ 6,726.00	$ 6,726.00	$ 6,225.00	$ 6,225.00
8	1	LS	100 KW Diesel Fired Stand-By Generator	$13,000.00	$ 13,000.00	$ 37,036.00	$ 37,036.00	$ 43,424.00	$ 43,424.00	$ 38,850.00	$ 38,850.00
9	180	Lft	6" HDPE Watermain	$ 50.00	$ 9,000.00	$ 47.00	$ 8,460.00	$ 95.58	$ 17,204.40	$ 66.00	$ 11,880.00
10	2	Ea	Connection of Wells to "Hot Box" Piping	$ 2,500.00	$ 5,000.00	$ 500.00	$ 1,000.00	$ 2,360.00	$ 4,720.00	$ 1,500.00	$ 3,000.00
11	15	Lft	8" HDPE Watermain	$ 150.00	$ 2,250.00	$ 97.00	$ 1,455.00	$ 402.00	$ 6,030.00	$ 106.00	$ 1,590.00
12	1	Ea	Connection to Existing 8" HDPE Raw Watermain	$ 2,500.00	$ 2,500.00	$ 750.00	$ 750.00	$ 2,542.00	$ 2,542.00	$ 1,600.00	$ 1,600.00
13	400	Lft	6' High Chain Link Fence w/12' Wide Access Gate	$ 12.50	$ 5,000.00	$ 19.8075	$ 7,923.00	$ 20.65	$ 8,260.00	$ 23.75	$ 9,500.00
14	150	Syd	MDOT 21AA Aggregate	$ 7.50	$ 1,125.00	$ 13.00	$ 1,950.00	$ 51.00	$ 7,650.00	$ 60.00	$ 9,000.00
15	1	LS	SCADA Antenna Pole	$ 1,000.00	$ 1,000.00	$ 920.00	$ 920.00	$ 2,500.00	$ 2,500.00	$ 2,100.00	$ 2,100.00
16	1	LS	Connection to Utility and Consumers Energy Fees	$ 2,000.00	$ 2,000.00	$ 1,000.00	$ 1,000.00	$ 1,500.00	$ 1,500.00	$ 2,000.00	$ 2,000.00
17	1	LS	Automation Engineering - ALLOWANCE	$36,000.00	$ 36,000.00	$ 36,000.00	$ 36,000.00	$ 36,000.00	$ 36,000.00	$ 36,000.00	$ 36,000.00
18	1	LS	Cleanup and Restoration	$ 2,500.00	$ 2,500.00	$ 2,000.00	$ 2,000.00	$ 6,000.00	$ 6,000.00	$ 15,000.00	$ 15,000.00
			Total Amount of Bid		$ 188,875.00		$ 248,348.00		$ 299,040.76		$ 311,149.00

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: March 9, 2016 **Agenda Item:** 8D

AGENDA ITEM
Resolution – Authorizing the City Administrator to Proceed with the Purchase of Rayner Park

EXHIBITS
Quit Claim Deed

STAFF REVIEW
City Administrator

SUMMARY STATEMENT
On June 9, 2010, Ingham County entered into a Lease/Option agreement with the City of Mason for Rayner Park which gave the City the option to purchase the park, incorporating 59.9 acres. As of this date, the City has met the obligations of proper operation and maintenance of Rayner Park solely at the City's expense, including utility costs required to maintain Rayner Park in a clean, safe, sanitary and visually presentable condition.

On March 16, 2015, the City Council authorized the City Administrator to initiate the process of the purchase of Rayner Park according to the Lease/Option agreement. However, the Lease/Option Agreement did not allow for that process to initiate until January of this year. That has now been completed and Ingham County has responded with their required documents. At this time the property can be transferred, but requires authorization by the City Council.

RECOMMENDED ACTION
Move to approve resolution.

QUIT CLAIM DEED

The **COUNTY OF INGHAM,** a political subdivision of the State of Michigan, whose address is Courthouse, P.O. Box 319, Mason, Michigan 48854 ("Grantor"), quitclaims to the **CITY OF MASON**, a Michigan municipal corporation, whose address is 201 W. Ash St., P.O. Box 370, Mason, Michigan 48854 ("Grantee"), the following described premises situated in the City of Mason, County of Ingham, and State of Michigan, to wit:

See legal description, attached as Exhibit A and incorporated by reference (hereafter, "the Premises"),

for the full consideration of One and No/100 Dollar ($1.00).

1. This conveyance is made for the purpose of allowing Grantee to use the Premises for public park purposes, such that this transfer is restricted to public park purposes only, for a period of twenty (20) years. In the event that the Premises transferred here, or any portion of it, ceases to be used for public park purposes only during the twenty-year period, then title to the Premises will automatically revert to Grantor, except that Grantee may transfer title, possession, or use of the Premises to a recreational authority established between Grantee and participating municipalities pursuant to the Recreational Authorities Act, 2000 PA 321, MCL 123.1131, or similar public entity that will continue to use the Premises for public park purposes.

2. Grantor reserves an easement for use of the Premises for vehicle parking purposes in conjunction with the annual Ingham County Fair. Such reserved parking use by the County shall include all appropriate areas for parking, including but not limited to gravel areas and grass fields, allowing for the parking of approximately 584 vehicles, together with ingress and egress. Any fencing erected on the Premises shall not interfere with vehicle ingress and egress for parking. This reserved easement is permanent and runs with the land.

3. Grantee shall have the authority to make all remaining divisions under Section 108 of the Land Division Act, 1967 PA 288, as amended.

4. This instrument is exempt from real estate transfer taxes pursuant to MCL 207.505(a) and (h)(i) and MCL 207.526(a) and (h)(i).

COUNTY OF INGHAM

Dated this ____ day of _____, 2016.

_____
By: Kara Hope, Chairperson
County Board of Commissioners

_____
Barb Byrum, County Clerk

STATE OF MICHIGAN)
COUNTY OF INGHAM)

The foregoing instrument was signed before me, a Notary Public, this ___ day of _____, 2016, by the County of Ingham, by Kara Hope, Chairperson, County Board of Commissioners, and Barb Byrum, County Clerk.

_____
, Notary Public
Ingham County, Michigan
Acting in Ingham County, Michigan
My commission expires:_____

Instrument Drafted by:
Timothy M. Perrone (P37940)

Business Address:
601 N. Capitol Avenue, Lansing, MI 48933

Recording Fee: _____

When recorded return to: Grantee

Tax Parcel #

Send subsequent tax bills to: Exempt

EXHIBIT A

LEGAL DESCRIPTION

A parcel of land in the Northeast 1/4 and the Southeast 1/4 of Section 9, T2N, R1W, City of Mason, Ingham County, Michigan; the surveyed boundary of said parcel being described as BEGINNING at the South 1/4 Corner of Section 9, T2N, R1W, Michigan Meridian; thence N 00°02'17" E, along the North-South 1/4 line, 2662.11 feet to the Center of said Section; thence N 00°06'08" E, along the North-South 1/4 line, 1179.29 feet to the South line of Ash Street; thence S 76°50'44" E, along said South line, 641.58 feet; thence S 00°06'08" W, along the East line of the West 625 feet of the Northeast 1/4 of said Section, 812.01 feet; thence S 20°49'37" W, 240.19 feet to the East-West 1/4 line; thence S 00°02'17" W, along the East line of the West 540 feet of the Southeast 1/4 of said Section, 1309.08 feet; thence S 89°58' 43" E, 300.00 feet; thence S 00°02'17" W, along the East line of the West 840 feet of the Southeast 1/4 of said Section, 465.00 feet; thence S 89°58'43" E, 75.00 feet; thence S 00°02'17" W, along the East line of the West 915 feet of the Southeast 1/4 of said Section, 885.00 feet to the South Section line; thence N 89°58'43" W, along the South Section line, 915.00 feet to the point of beginning; said parcel contains 59.47 acres.

n:\client\ingham\parks\deeds\qcd to city of mason-- rayner park exhibit a.doc

Introduced:
Second:

CITY OF MASON
CITY COUNCIL RESOLUTION

A RESOLUTION AUTHORIZING THE CITY OF MASON TO PROCEED WITH THE PURCHASE OF RAYNER PARK

MARCH 9, 2016

WHEREAS, Ingham County entered into a Lease/Option agreement with the City of Mason for Rayner Park June 9, 2010;

WHEREAS, within the agreement the City may exercise the option to purchase Rayner Park incorporating 59.9 acres;

WHEREAS, the City has met the obligations of proper operation and maintenance of Rayner Park solely at the City's expense, inclusive of utility costs maintaining Rayner Park in a clean, safe, sanitary and visually presentable condition;

WHEREAS, the community has voluntarily assisted the City with enhancements to Rayner Park during the time that the City of Mason has leased this property such as the replacement of three pedestrian bridges, basketball court, repairs to the playground, painting the bathrooms and pavilion, replacing aerators and pumps for the ponds, building the Rotary stage, maintaining the fields and ponds, and adding an electrical transformer within the park;

WHEREAS, on March 16, 2015, the City Council authorized the City Administrator to initiate the process of the purchase of Rayner Park according to the Lease/Option agreement; and

WHEREAS, Ingham County, in response to the request by the City of Mason, has obtained a professional survey of the premises of Rayner Park and updated legal description, and has prepared the necessary Quit Claim Deed conveyance documents to transfer its title to the City of Mason.

BE IT HEREBY RESOLVED that the Mason City Council hereby authorizes the City Administrator to complete all necessary documents required to transfer the ownership of Rayner Park to the City of Mason.

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 Wednesday, March 9, 2016, the original of which is part of the City Council minutes.

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

McGinty, Hitch, Housefield, Person,
Yeadon & Anderson, P.C.

MEMORANDUM

TO: Mason City Council

FROM: Thomas M. Hitch, City Attorney (TMH)

RE: **CITY ATTORNEY REPORT**

DATE: March 4, 2016

The following is my report to the City Council on several issues in which our office has been engaged:

1. ***Esquire Development v City of Mason*** **(MTT No. 14-5644-TT and 15-4504-TT)**

As of the date of this memo, the Tax Tribunal has not ruled on the motion considered at the February 1, 2016, hearing. I anticipate a decision within the next two to three weeks.

2. **Michigan Campaign Finance Act**

As Council members may be aware, there has been significant controversy regarding a recent amendment to section 57 of the Michigan Campaign Finance Act. This amendment was enacted at the very end of the legislative session in 2015 and, as drafted, appears to prevent a public body or public officials, during a period 60 days before the election in which a local ballot question appears on the ballot, from using any public funds or resources for communications if the communication references the local ballot question. As drafted, the wording is very broad and has been referred to by public officials as a "gag order" preventing the comment by public officials on local ballot questions. Because of concerns related to the Council engaging in discussions which would be broadcast as part of the regular Council proceedings involving the upcoming school millage, the City Administrator asked that I research this issue and provide some guidance as it relates to anticipated discussions and potential presentations before the City Council. The City Administrator will be providing copies of my opinion which, along with the memo I prepared pertaining to issues raised regarding medical marihuana regulation within the city.

I will be present at the Council meeting on March 9, 2016, to discuss both topics.

bks

McGinty, Hitch, Housefield, Person,
Yeadon & Anderson, P.C.

MEMORANDUM

TO: Deborah Stuart, City Administrator

FROM: Thomas M. Hitch, City Attorney

RE: **WHETHER REPRESENTATIVES OF THE SCHOOL BOARD MAY MAKE A PRESENTATION TO CITY COUNCIL IN LIGHT OF 2015 PA 269, WHICH MADE AMENDMENTS TO THE MICHIGAN CAMPAIGN FINANCE ACT**

DATE: March 3, 2016

The purpose of this memorandum is to set forth my analysis regarding the impact of 2015 PA 269 as it relates to a potential presentation by the School Board regarding a local school millage that will be on the ballot on May 3, 2016. It is my understanding that representatives of the School District desire to make a presentation setting forth facts and information on the proposed school millage and why the School Board believes that it is in the best interests of the School District to pass the millage. As you and I discussed, the concern is the impact of language added to Act 269 limiting certain communications within 60 days of the date of the election. The question addressed is whether the recent amendment to Act 269 would prohibit such a presentation before the Mason City Council.

Section 57 of Act 269 (MCL 169.257) provides in pertinent part:

> (3) Except for an election official in the performance of his or her duties under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, a public body, or a person acting for a public body, shall not, during the period 60 days before an election in which a local ballot question appears on a ballot, use public funds or resources for a communication by means of radio, television, mass mailing, or prerecorded telephone message if that communication references a local ballot question and is targeted to the relevant electorate where the local ballot question appears on the ballot.

This section, in very broad language, appears to prevent a public body (or a person acting on behalf of a public body) from using public funds or resources for a "communication" by means of radio, television, or mass mailing, if that communication references a local ballot question and is targeted

to the relevant electorate during the 60-day period prior to an election.

As you and I discussed, this section was the subject of litigation and the State has been enjoined from enforcing this section by an order of U.S. District Court Judge John Corbett O'Meara in *Taylor v v Ruth Johnson, Sec'y of State and the State of Michigan,* (Docket No. 16-10256). In discussing this, you had indicated that there was concern that the injunction notwithstanding, certain parties may be "monitoring" public officials to determine whether the public officials are violating this section. Under the Act, there is no private cause of action and the only remedy is to file a complaint with the State, and the State is enjoined from processing any complaint based on this subsection. From a strictly technical standpoint, the City of Mason, were school officials to attend and make a presentation at a Council meeting, wold have no liability because of the injunction.

However, it is my opinion that, notwithstanding the injunction, the City of Mason would have no liability under this subsection. In subsection (1), of section 57, there are certain proscriptions set forth as it relates to the use of public resources regarding the making of a "contribution or expenditure or to provide volunteer personal services" that are excluded from the definition of "contribution" under the Act. As it relates to this prohibition, the statute sets forth certain exceptions for which this subsection does not apply. Those exceptions, in pertinent part, are as follows:

> (a) The expression of views by an elected or appointed public official who has policy making responsibilities.
>
> * * * *
>
> (c) The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication.
>
> (d) The use of a public facility owned or leased by, or on behalf of, a public body if any candidate or committee has an equal opportunity to use the public facility.
>
> * * * *

As you and I discussed, the well-being of Mason Public Schools, both fiscally and as to the quality of education provided, is extremely important to the City of Mason. It is my opinion that the expression of views by Council members during any discussion regarding the School Board's presentation would be protected by subsection (a) above and excluded from the broader prohibition set forth at section 57 of the Act. Likewise, as this is being broadcast as part of the normal course

of the Mason City Council proceedings, the inclusion of the presentation and discussion would appear to me to be covered by the exclusions set forth at subsection (c) as set forth above. The City of Mason regularly broadcasts its City Council meetings and it would do so whether or not there was a presentation and ensuing discussion regarding the school millage. The fact that it would be televised would not, in my opinion, violate subsection (3) where it appears that regular broadcasts are exempted from the prohibitions set forth at section 57(1).

Further, as you and I discussed, if members of the public desired to set forth an opposing position, those members of the public would be entitled to make a presentation before the Mason City Council. Where there is availability to go before City Council and "use" the public facility by persons with an opposing point of view, it is my opinion that subsection (d) would further insulate the City of Mason from any claim that it was violating section 57 of this Act.

While the language in subsection (3) is very broad, it should be noted that at the time of passage, the Governor issued a signing letter intended to clarify what type of "communication" would be proscribed by subsection (3). The signing letter was described in Judge O'Meara's Opinion and Order granting plaintiff's motion for a preliminary injunction as follows:

> The governor called upon the Legislature to clarify §57 of the Act. He stated that the "new language in subsection (3) only applies when local governmental entities use taxpayer resources to distribute mass communications concerning ballot questions. As I interpret this language, it is intended to prohibit communications that are plain attempts to influence voters without using words like 'vote for' or 'support." *Id.*
>
> The governor suggested that the Legislature enact new legislation to address the concerns of the public and "clarify that the new language does not impact the expression of personal views by a public official, the use of resources or facilities in the ordinary course of business, and that it is intended only to prohibit the use of targeted, advertisement style mass communications that are reasonably interpreted as an attempt to influence the electorate using taxpayer dollars." *Id.*
> (Slip Op, p 2-3)

As can be seen, the focus appears to be on the distribution of "mass communications" rather than the expression of views or factual reporting on the actions taken by City Council that are broadcast in the normal course of events, and appear as part of the written minutes taken and distributed by the City Clerk in the normal course. Broadcasting City Council meetings is not a "mass

communication" in any ordinary usage of that phrase.

Attached to this memo is H.B. 5219, which addresses the Governor's concern that new legislation should be adopted to clarify subsection 3. This language has passed the House but, as of the date of this memo, has not passed the Senate. This language is useful, however, because it appears to be directly responding to the request of the Governor and a communication would specifically not include a discussion of a local ballot question during a meeting of a public body, including a meeting that is broadcast using a public access medium so long as proponents and opponents of the local ballot question have an equal opportunity to discuss the local ballot question.

Therefore, it is my opinion that the City Council could entertain a presentation by local school officials if so requested by the School Board. Further, it is my opinion that if the City Council desired to adopt a resolution either for or against the local ballot question, and that vote was broadcasted as part of the broadcast of the City Council meetings and the outcome of the vote was recorded and disseminated by the City Clerk in the Clerk's normal fashion, that that would not violate subsection (3) of the Act as set forth, even if the injunction were not in effect.

bks
Enclosure
Ref 117

SUBSTITUTE FOR

HOUSE BILL NO. 5219

A bill to amend 1976 PA 388, entitled

"Michigan campaign finance act,"

by amending section 57 (MCL 169.257), as amended by 2015 PA 269.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 57. (1) A public body or a person acting for a public
2 body shall not use or authorize the use of funds, personnel, office
3 space, computer hardware or software, property, stationery,
4 postage, vehicles, equipment, supplies, or other public resources
5 to make a contribution or expenditure or provide volunteer personal
6 services that are excluded from the definition of contribution
7 under section 4(3)(a). The prohibition under this subsection
8 includes, but is not limited to, using or authorizing the use of

1 public resources to establish or administer a payroll deduction
2 plan to directly or indirectly collect or deliver a contribution
3 to, or make an expenditure for, a committee. Advance payment or
4 reimbursement to a public body does not cure a use of public
5 resources otherwise prohibited by this subsection. This subsection
6 does not apply to any of the following:
7 (a) ~~The~~ **SUBJECT TO SUBSECTION (3), THE** expression of views by
8 an elected or appointed public official who has policy making
9 responsibilities.
10 (b) Subject to subsection (3), the production or dissemination
11 of factual information concerning issues relevant to the function
12 of the public body.
13 (c) The production or dissemination of debates, interviews,
14 commentary, **MEETINGS OF A PUBLIC BODY,** or information by a
15 broadcasting station, newspaper, magazine, or other periodical or
16 publication in the regular course of broadcasting or publication.
17 (d) The use of a public facility owned or leased by, or on
18 behalf of, a public body if any candidate or committee has an equal
19 opportunity to use the public facility.
20 (e) The use of a public facility owned or leased by, or on
21 behalf of, a public body if that facility is primarily used as a
22 family dwelling and is not used to conduct a fund-raising event.
23 (f) An elected or appointed public official or an employee of
24 a public body who, when not acting for a public body but is on his
25 or her own personal time, is expressing his or her own personal
26 views, is expending his or her own personal funds, or is providing
27 his or her own personal volunteer services.

1 (2) If the secretary of state has dismissed a complaint filed
2 under section 15(5) alleging that a public body or person acting
3 for a public body used or authorized the use of public resources to
4 establish or administer a payroll deduction plan to collect or
5 deliver a contribution to, or make an expenditure for, a committee
6 in violation of this section, or if the secretary of state enters
7 into a conciliation agreement under section 15(10) that does not
8 prevent a public body or a person acting for a public body to use
9 or authorize the use of public resources to establish or administer
10 a payroll deduction plan to collect or deliver a contribution to,
11 or make an expenditure for, a committee in violation of this
12 section, the following apply:
13 (a) The complainant or any other person who resides, or has a
14 place of business, in the jurisdiction where the use or
15 authorization of the use of public resources occurred may bring a
16 civil action against the public body or person acting for the
17 public body to seek declaratory, injunctive, mandamus, or other
18 equitable relief and to recover losses that a public body suffers
19 from the violation of this section.
20 (b) If the complainant or any other person who resides, or has
21 a place of business, in the jurisdiction where the use or
22 authorization of the use of public resources occurred prevails in
23 an action initiated under this subsection, a court shall award the
24 complainant or any other person necessary expenses, costs, and
25 reasonable attorney fees.
26 (c) Any amount awarded or equitable relief granted by a court
27 under this subsection may be awarded or granted against the public

body or an individual acting for the public body, or both, that violates this section, as determined by the court.

(d) A complainant or any other person who resides, or has a place of business, in the jurisdiction where the use or authorization of the use of public resources occurred may bring a civil action under this subsection in any county in which venue is proper. Process issued by a court in which an action is filed under this subsection may be served anywhere in this state.

(3) Except **FOR ACTIVITY OTHERWISE PERMITTED UNDER SUBSECTION (1)(C) TO (F), AND EXCEPT** for an election official in the performance of his or her duties under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, a public body, or a person acting for a public body, shall not ~~, during the period 60 days before an election in which a local ballot question appears on a ballot,~~ use public funds or resources for a communication by means of radio ~~,~~ **OR** television **ADVERTISEMENT**, mass mailing, or prerecorded telephone message if that communication references a local ballot question and is targeted to the ~~relevant~~ electorate where the local ballot question ~~appears~~ **WILL APPEAR** on the ballot. **AS USED IN THIS SUBSECTION, "COMMUNICATION" DOES NOT INCLUDE:**

(A) THE LANGUAGE OF A LOCAL BALLOT QUESTION.

(B) THE DATE OF AN ELECTION.

(C) FACTUAL AND [ ] NEUTRAL INFORMATION CONCERNING THE [PURPOSE OR] **DIRECT IMPACT OF A LOCAL BALLOT QUESTION ON A PUBLIC BODY OR THE ELECTORATE, EXCEPT IF THE COMMUNICATION CAN REASONABLY BE INTERPRETED AS AN ATTEMPT TO INFLUENCE THE OUTCOME OF A LOCAL BALLOT QUESTION.**

House Bill No. 5219 as amended February 23, 2016

1 (4) A person who knowingly violates this section is [~~guilty of~~
2 ~~a misdemeanor punishable, if the person is an individual, by a fine~~
3 ~~of not more than $1,000.00 or imprisonment for not more than 1~~
4 ~~year, or both, or if the person is not an individual, by 1 of the~~
5 ~~following, whichever is greater:~~
6 ~~(a) A fine of not more than $20,000.00.~~
7 ~~(b) A fine equal to the amount of the improper contribution or~~
8 ~~expenditure.~~ SUBJECT TO THE FOLLOWING:

(A) IF THE PERSON IS AN INDIVIDUAL, A CIVIL FINE OF NOT MORE THAN $1,000.00.

(B) IF THE PERSON IS NOT AN INDIVIDUAL, 1 OF THE FOLLOWING, WHICHEVER IS GREATER:

(*i*) A CIVIL FINE OF NOT MORE THAN $20,000.00.

(*ii*) A FINE EQUAL TO THE AMOUNT OF THE IMPROPER CONTRIBUTION OR EXPENDITURE.]

McGinty, Hitch, Housefield, Person,
Yeadon & Anderson, P.C.

MEMORANDUM

TO: David E. Haywood, Zoning & Development Director

FROM: Thomas M. Hitch, City Attorney TMH

RE: **REVIEW OF PROPOSED MEDICAL MARIHUANA ORDINANCE**

DATE: February 2, 2016

The purpose of this memorandum is to respond to your request that I provide my comments on the proposed medical marihuana regulation ordinance before the next Planning Commission meeting on February 9, 2016. Before setting forth my specific comments, it is clear that the Planning Commission has spent a great deal of time on this project. It is my opinion that drafting medical marihuana regulations at the local level is a very difficult task. The statute provides no framework for local regulation, but individual communities find that there are local concerns which support the implementation of a local ordinance. My opinion is that this is a very difficult project and the fact that this has taken as long as it has comes to me as no surprise.

As it pertains to my specific comments, several of those are in response to questions you and the Planning Commission have raised. One other issue that I believe deserves further review is an issue that I discussed previously in one of my earlier memoranda.

My response and concerns regarding the provisions in the ordinance are as follows:

1. **Entity restrictions, as provided at Section (k)(4)c.**

Section (k)(4)c provides that entities, such as corporations, limited liability companies, and partnerships, are prohibited from receiving compensation for costs associated with assisting a registered qualifying patient. The question posed is whether the City can lawfully prohibit corporations, limited liability companies, and partnerships from such activities.

It is my opinion that the City can impose these restrictions. At section 3 of the Michigan Medical Marihuana Act ("MMMA") [MCL 333.26423(i)] a qualifying patient is one who has been diagnosed by a physician as having a debilitating medical condition. At subsection (h) of that same section, a primary care giver or care giver is defined as a person who is at least "21 years old" and who has agreed to assist with the patient's medical use of marihuana.

It is my opinion that these provisions can only be met by a natural person, and not legal

entities such as corporations, limited liability companies, or partnerships. As primary caregivers and patients are natural persons and, as such, have the protections and immunities provided under the Act, corporations, limited liability companies, and partnerships would have no such protection under the MMMA.

Consequently, it is my opinion that this provision may be enacted by the City as it conforms with the language of the MMMA.

2. **Restriction on location for assisting a qualifying patient by a primary care giver at section (k)(4)(f)(v).**

Section (k)(4)(f)(v) prohibits a primary care giver from assisting a qualifying patient within the city unless it is within the "confines of the primary residence of the qualifying patient." I had pointed out, and the Planning Commission may have otherwise been aware, that the City of East Lansing has a similar provision although it is less restrictive than the one proposed by the City of Mason. Under the East Lansing ordinance, the delivery of medical marihuana may be made at a location other than the primary residence of the qualified patient. It is my understanding that the concerns are that there would be increased traffic at the location of the care giver, and that that may be disruptive to the neighborhood. The provision in East Lansing has never been challenged and there are no court cases which provide any guidance as it relates to the lawfulness of this provision.

As I expressed in my earlier memo to the Medical Marihuana Subcommittee, I have a genuine concern regarding whether this provision would survive a legal challenge. As previously pointed out, this restriction on delivery to a qualified patient is not included in the MMMA. Section 7 (MCL 333.26427), provides in pertinent part:

> (a) The medical use of marihuana is allowed under state law ro the extent that it is carried out in accordance with the provisions of this act.
>
> (1) Undertake any task under the influence of marihuana, when doing so would constitute negligence or professional malpractice.
>
> (2) Possess marihuana, or otherwise engage in the medical use of marihuana:
>
> (A) in a school bus;
> (B) on the grounds of any preschool or primary or secondary school; or
> (C) in any correctional facility.

(3) Smoke marihuana:
(A) on any form of public transportation; or
(B) in any public place.

The statute explicitly provides that the medical use of marihuana is allowed under state law to the extent that it is carried out in accordance with the provision of this Act. In my opinion, this is in the expression of intention that the MMMA controls, rather than any local regulation. At subsections (B)(2) and (3), the Act sets out restrictions such as there shall be no medical use of marihuana in a school bus, on the grounds of any preschool, primary or secondary school, or in any correctional facility and one cannot smoke marihuana with any form of public transportation or in any public. Nowhere are there any restrictions as it relates to the location of where a care giver can provide this "medical treatment" to a qualifying patient.

The Act has been in effect since December 4, 2008 (or a little over seven years). My concern is that in those past seven years, I am not aware of any incidents in Mason in which there were problems associated with qualifying patients receiving medical marihuana at any location, much less at the primary residence of a care giver. I am not aware of any such incidents in the city of East Lansing or elsewhere.

In the absence of any circumstances which have given rise to problems normally associated with increased activity in such locations (such as noise, traffic, and the like), there is no basis to support this provision other than the speculative concern. There does not appear to be an evidentiary basis underlying the need of such a regulation. Given the lack of such evidence, that gives me greater concern regarding the viability of such a restriction.

3. **Registration requirements at section (k)(6).**

At section (k)(6), the proposed ordinance prohibits the cultivation, distribution, or other assistance to patients by a care giver to other persons permitted under the Act until such location has been registered under the ordinance. Said subsection goes onto provide that the registration shall include the full legal name, date of birth of the primary care giver, and the intended location, a copy of the primary care giver's registry identification card, and such other information set out in the ordinance. The question posed is whether the City can ask for such information. As noted below, I have very significant concerns that not only can that information not be requested, the City cannot be engaged in the registration process at all.

Section 6 of the MMMA [MCL 333.26426(h)], provides:

(h) The following confidentiality rules shall apply:
(1) Subject to subdivisions (3) and (4), applications and supporting

> information submitted by qualifying patients, including information regarding their primary caregivers and physicians, are confidential.
>
> (2) The department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. Except as provided in subdivisions (3) and (4), individual names and other identifying information on the list are confidential and are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
>
> (3) The department shall verify to law enforcement personnel whether a registry identification card is valid, without disclosing more information than is reasonably necessary to verify the authenticity of the registry identification card.
>
> (4) A person, including an employee, contractor, or official of the department or another state agency or local unit of government, who discloses confidential information in violation of this act is guilty of a misdemeanor, punishable by imprisonment for not more than 6 months, or a fine of not more than $1,000.00, or both. Notwithstanding this provision, department employees may notify law enforcement about falsified or fraudulent information submitted to the department.

In the aforementioned statute, it is plain that the information pertaining to the information contained in registry cards is considered confidential. At subsection (1), applications and supporting information submitted by qualifying patients, including information regarding the primary caregivers and physicians, is confidential. In subsection (2), the department shall maintain a confidential list of the persons to whom the department has issued registry identification cards. It is provided that except for the circumstances as outlined in subdivisions (3) and (4), individual names and other identifying information on the list are confidential and exempt from disclosure. This section also provides that the department is entitled to verify to law enforcement personnel whether the registered identification card is valid, but it must do so in a manner so as to minimize the disclosure of the information. That is, while local law enforcement may make inquiries, the department can do no more than provide "what is reasonably necessary" to verify the authenticity of the registration card. The final subdivision sets forth that a person who discloses confidential information in violation of the Act is guilty of a misdemeanor, subject to enumerated penalties.

By mandating registration of the location of primary caregivers, it is my opinion that the City is, in effect, creating a registry list for primary caregivers in the city of Mason that would, for all intents and purposes, be identical to the confidential list maintained by the Department of Licensing and Regulatory Affairs. As set forth in subsection (h)(1), information regarding primary caregivers is confidential. I believe that the mere maintenance of such a list (being identical to the department's

list as it relates to primary caregivers in Mason) would violate the law.

It is my opinion that even if a list could lawfully be created, the information on that list could not be disseminated without running afoul of subdivision (4) set forth above. It is my understanding that there are concerns regarding whether fire personnel would need to be made aware that a location they are called out to is a caregiver's residence, as there may be highly flammable materials onsite. The problem with that rationale is that nowhere is it permitted under the Act for disclosures to anyone as it relates to this confidential information, except for law enforcement personnel when seeking to determine the validity of a registry identification card.

As I pointed out in my earlier memo to the Medical Marihuana Subcommittee, the Michigan Supreme Court has found that the purpose of the MMMA is to allow a limited class of individuals the "medical use of marihuana" and that the Act declares this purpose to be an "effort for the health and welfare of [Michigan] citizens." See *People v Kolanek,* 491 Mich 382, 393 (2012). It should be remembered that the use of medical marihuana under the Act is a "medical treatment." Historically, medical treatments by physicians are confidential. Not only is treatment confidential, but the *fact* of treatment (that is, whether or not one receives medical treatment) is confidential as between a physician and a patient. It is my opinion that that confidentiality associated with medical treatment is continued under the MMMA, at the aforementioned section providing this information is confidential and that the confidential information may not be disclosed unless in conformance with the MMMA.

It is my opinion that the establishment of a registry list that essentially contains all of the confidential information as maintained by the Department of Licensing and Regulatory Affairs for primary caregivers in the city of Mason would violate the MMMA. It is my further opinion that if challenged, it would be struck down. More importantly, it is my opinion that the maintenance, much less the dissemination of information on such a list, would constitute an unlawful disclosure, and subject the City employees to prosecution under the aforementioned Act.

It is thus my opinion, in the strongest terms, that section (k)(6) be deleted from the proposed ordinance. It is my opinion that if this section were enforced, it would significantly increase the likelihood of a challenge to the ordinance. It if further my opinion that that challenge would, in all likelihood, be successful.

bks

Introduced: _____
First Reading: _____
Second Reading: _____
Adopted: _____
Effective: _____

CITY OF MASON

MEDICAL MARIHUANA REGULATION ORDINANCE (DRAFT)

AN ORDINANCE TO AMEND SECTION 94-173 – SUPPLEMENTAL USE REGULATIONS – BY ADDING SUBSECTION (k) MEDICAL MARIHUANA – WHICH DEFINES MEDICAL MARIHUANA AND SETS FORTH THE REQUIREMENTS FOR COMPLIANCE WITH THE MICHIGAN MEDICAL MARIHUANA ACT OF 2008

THE CITY OF MASON ORDAINS:

Section 94-173 of Chapter 94 of the Mason City Code is hereby amended by adding subsection (k) to establish regulations for medical marihuana, which amended, section shall read as follows:

Sec. 94-173. Supplemental use regulations.

(a) *Home occupation.*

(1) *Intent.* It is the intent of this section to set forth the requirements for establishing a home occupation as an accessory use of a single-family detached dwelling unit. Such home occupations could involve crafting, electronic or mail order sale or marketing of goods, the provision of services, or instruction in a craft or the fine arts which is conducted entirely within the dwelling unit by one or more persons, all of whom reside within the dwelling, and which is clearly incidental and secondary to the use of the dwelling as a residence.

(2) *Location.* Home occupations shall be allowed only as an accessory use in those districts specifically allowing such use as provided in article IV of this chapter.

(3) *Regulations and standards.* Home occupations shall meet the following regulations and standards:

a. There shall be no outdoor on-site storage of materials, inventory, equipment, or accessory items, or display of materials, inventory, goods, or supplies used in the conduct of the home occupation.

b. Only members of the immediate family who reside on the premises shall be employed in any part of the operation of the home occupation. All activities related to the home occupation shall be carried on entirely within the dwelling unit.

c. Home occupations are permitted only in the principal structure/building. However, in no case shall more than 25 percent or 480 square feet, whichever is smaller, of the gross floor area of the principal building be utilized for a home occupation.

d. A home occupation shall not generate an undue amount of traffic in excess of that prevailing or expected for the general area in which it is located. The home occupation shall not generate more than ten round trips per day, excluding trips generated by the occupants of the home. Adequate parking spaces shall be provided on the premises for persons patronizing the establishment.

e. Home occupations shall maintain at least two on-site parking spaces dedicated for the permanent residents. All parking spaces shall be located in compliance with article IX of this chapter.

f. The establishment of a home occupation shall not necessitate exterior modification or alter the fire rating, except as may be required by the building official, of any structure/building on the property.

g. Home occupations shall not be open to the public except between the hours of 7 a.m. to 8 p.m., unless otherwise provided by special use permit.

h. No food or beverages shall be sold to be consumed on the premises.

i. No amusement games or devices shall be provided for or by customers on the premises.

j. Uses prohibited as home occupations shall include the following:

1. Convalescent and nursing homes.

2. Day care centers or nursery schools, except as provided for in this chapter.

3. Funeral homes.

4. Kennels.

5. Medical or dental clinics or hospitals, or animal hospitals.

6. Refuse collection businesses.

7. Repair of automobiles, motorcycles, boats, trailers, trucks or similar equipment or vehicles.

k. The use of a detached garage or accessory building for home occupation is not permitted.

l. All signs shall be in compliance with the provisions of section 58-127(a)(1) in chapter 58.

m. The home shall be in compliance with all other applicable laws and ordinances.

(b) *Solid waste disposal.*

(1) *Intent.* Receptacles for the temporary storage of refuse or recyclable material are permitted in all districts as an accessory use to any use other than single-family residential uses, subject to the requirements of this section and division 2 of article VII of this chapter. The requirements of this section shall apply to any receptacle commonly referred to as a dumpster or any other container or group of containers having a total capacity of more than four 30-gallon cans.

(2) *Location.* All receptacles shall be located in a rear or side yard, shall not encroach upon required parking areas, and shall be clearly accessible to servicing vehicles. Receptacles shall be located as far as practicable from any adjoining residential district or use but shall in no instance be located closer than 15 feet, or the minimum side yard setback of the particular zoning district in which it is located, whichever is greater, of any residential property line or district.

(3) *Regulations and standards.*

a. *Screening.* Receptacles shall be screened from view from adjoining property and public streets and thoroughfares. Receptacles shall be screened on three sides with a permanent wall or fence of not less than the minimum height required in section 94-241(h) or two feet above the highest wall of the enclosed receptacle, whichever is higher. The fourth side of the receptacle screening shall be equipped with an opaque lockable gate that is the same height as the other sides. The wall or fence should blend with the materials, color and style of the development.

b. The location and method of screening of all receptacles shall be shown on the site plans and shall be subject to the approval of the designated site plan approval body in accordance with division 1 of article VII of this chapter.

c. Receptacle locations shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the buildings they serve.

d. Receptacles shall be situated so as to not cause excessive nuisance or offense to occupants of the development they serve or of nearby buildings.

e. Concrete pads of appropriate size and construction shall be provided for all receptacles regulated by this section. Aprons shall be provided for loading of a single receptacle with a capacity of one and one-half cubic yards or more.

f. If a receptacle enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by concrete curb blocks.

g. The area inside and around the outside of a receptacle enclosure shall be maintained and litter free at all times. The enclosure shall also be maintained and repaired as necessary.

(4) *Compost piles.* Composting shall be limited to manufactured commercial compost containers or equivalent containers and shall be regulated the same as other types of receptacles covered in this section.

(c) *Satellite dish antenna.*

(1) *Intent.* The use of a satellite dish antenna shall be permitted in all districts as an accessory use. A satellite dish antenna is an apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit.

(2) *Location.*

a. No satellite dish antenna may be located in any front yard or side yard open space unless mounted to and located completely within four feet of a building wall.

b. No satellite dish antenna may be located within any required parking area.

c. No satellite dish antenna may be constructed such that any part of the antenna or supporting structure is closer to a lot line than the minimum setback for the district in which the antenna is located.

d. Satellite dish antennas greater than 24 inches in diameter are prohibited on the roof or walls of any building in residentially zoned districts.

e. Roof-mounted satellite dish antennas shall be mounted directly upon the roof of a building and shall not be mounted upon appurtenances such as chimneys, towers, poles, or spires.

(3) *Regulations and standards.*

a. The placement of any satellite dish antenna greater than 24 inches in diameter by any means in any zoning district is prohibited unless a site plan thereof is approved by the planning commission in accordance with the standards contained in division 1 of article VII of this chapter.

b. Only one satellite dish antenna per residential dwelling unit shall be permitted.

c. All satellite dish antennas and the construction and installation thereof shall conform to the building code.

d. The surface of any satellite dish antenna shall be painted or treated so as not to reflect glare from sunlight or artificial lighting.

e. No satellite dish antenna shall be:

1. Linked physically to or with any structure which is not on the same lot.

2. In excess of an overall diameter of 12 feet.

3. Located such that any portion of a roof-mounted antenna is more than ten feet above the highest point of a roof.

4. Located such that any portion of a roof-mounted antenna is less than four feet from the edge of the roof.

5. Supported by structural supports other than corrosion-resistant metal.

6. Wired to a receiver, except by wires located at least four inches beneath the ground in a rigid conduit or other wiring configuration approved by the building official.

(d) *Wireless telecommunications towers and antennas.* The purpose of this section is to establish the procedures and guidelines for the siting of wireless communications towers and antennas. In furtherance of this purpose, the city shall give due consideration to the master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas, subject to the following definitions, review requirements, and criteria. The objectives of this section are to:

(1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;

(2) Direct the location of towers to appropriate nonresidential areas;

(4) Minimize the total number of towers throughout the community;

(5) Encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;

(6) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

(7) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, positioning, landscape screening, and innovative camouflaging techniques;

(8) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

(9) Consider the public health and safety of communication towers;

(10) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

(11) Applicability. All towers or antennas in the city shall be subject to these regulations, except as provided in the following.

a. *Amateur radio station operators/receive-only antennas.* Other than the provisions of subsections 94-173(d)(11)e. and f., this chapter shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned by or operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

b. *AM array.* For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(12) *General requirements.*

a. *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

b. *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

c. *Aesthetics.* Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

d. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

e. *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas

governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

f. *Building codes and safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in the state construction codes and the applicable standards for towers that are published by the Electronic Industries Association. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna as a public nuisance at the owner's expense.

g. *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this chapter and shall not be regulated or permitted as essential services, public utilities, or private utilities.

h. *Signs.* No signs shall be allowed on an antenna or tower.

i. *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection 94-173(d)(13)b.

(13) *Uses permitted by administrative review.* The zoning official may administratively approve a permit for any wireless communication facility for which all support equipment is screened from view and which complies with one of the following criteria:

a. A roof mounted antenna not exceeding ten feet in height and located on a nonresidential structure.

b. Antennas and supporting equipment cabinets and structures which are architecturally integrated with a principal building or structure so as not to be recognized as antennas.

c. Up to three whip antennas with a maximum height of 20 feet.

d. Collocation of a wireless communication antenna on an existing monopole support structure, on a public water tower, athletic field light standard, electrical utility transmission tower or distribution pole, or on an existing tower or pole within the right-of-way or easement of an electrical utility company in any district of the city, provided:

1. The antenna does not extend more than 30 feet above the highest point of the structure;

2. The antenna complies with all applicable FCC and FAA regulations; and

3. The antenna complies with all applicable building codes.

(14) *Uses permitted by special use permit.* No wireless communications facilities other than those permitted by administrative review by subsection 94-173(d)(12) of this chapter shall be permitted except subject to the granting of a special use permit after review and approval by the planning commission pursuant to article VI of this chapter, subject to the general standards applicable to a special use permit as set forth at subsection 94-191(f), the goals set forth at subsection 94-191(a), and the following additional standards:

a. Location criteria.

1. Facilities shall be sited to minimize views to the extent reasonably possible from residential areas or the public right-of-way.
2. Support structures will be located in all geographic districts to minimize their view from neighboring properties and public rights-of-way.
3. Mounted wireless communication facilities are permitted in all districts except single-family and two-family districts, except that roof-mounted antennas are not permitted in any residential district.
4. Monopoles and similar support structures are permitted as a principle or accessory use only in the M-2 general manufacturing district, and those portions of the M-1 light manufacturing district, and those commercial districts lying south of a line created by Kipp Road extended and north and west of lines created by North Street and Buhl Street extended.
5. Monopoles not to exceed 150 feet in height are also permitted in the C-1 central business district by special use permit, provided the structure is located on publicly-owned property and is constructed and maintained for joint use by three or more users, at least one of which shall be a local or state governmental agency operating communication facilities for public safety services as defined under the Homeland Security Act.
6. Monopoles and similar support structures are prohibited in parks, school grounds or other areas heavily trafficked by children.
7. Lattice or guyed towers or antennas or similar structures are prohibited in all districts.

b. *Development and design standards.*

1. Setbacks.

i. Wireless communications facilities including all anchors or pads shall be sited so that the anchors and pads for the structure meet the minimum setback requirements of the zoning district where they are located and do not cross into another zoning district.

ii. Separation requirements for towers shall comply with the minimum standards shown in table 100-3 in chapter 100.
iii. Mounted wireless communication facilities shall meet the required setbacks for the structure upon which they are located and shall be situated to provide for maximum safety on the site.

2. Spacing requirements. Monopole tower structures shall be separated from all other towers by a minimum of 750 feet. For purposes of this subsection, the separation distance between towers shall be measured by drawing or following a straight line between the base of the existing or approved structure and the proposed base, pursuant to a site plan, of the proposed tower. The minimum tower separation distance shall be calculated and applied irrespective of city jurisdictional boundaries.

3. Height of the support structure must be the minimum necessary to support the required coverage; however, in no case shall the antenna or its support structure exceed:

   i. For a single user, 90 feet.

   ii. For two users, 120 feet.

   iii. For three or more users, 150 feet.

4. Support structures shall be painted in unobtrusive colors, unless in accordance with any other statutory or regulatory requirements.
5. Where an equipment building accompanying the support structure is erected, it shall be designed to be compatible with the adjacent architecture.
6. Landscaping and visual impact requirements.

   i. Landscaping shall be provided in sufficient quantity around the perimeter of the required security fencing, as well as adjacent to any buildings and anchors. Site access entrances shall also be landscaped. This information shall be presented on a landscape plan.
   ii. When located on an otherwise undeveloped site, the existing natural vegetation of the property shall be maintained to the greatest extent possible. The applicants shall provide information on a landscape plan regarding existing vegetation which is proposed to be removed and methods for replacement. In no case shall an entire site be graded and/or cleared for installation of a wireless communication tower.
   iii. Whether a freestanding or mounted wireless communications facility is proposed, the applicants shall demonstrate how the accessory building's design will limit adverse visual impacts to neighboring property owners.
   iv. Lighting at the facility and accessory structures shall be designed so not to adversely affect adjacent property owners and shall be in compliance with FAA standards.

c. *Safety and security requirements.*

1. All new wireless communication facilities shall be designed within the applicable ANSI/EIA standards (RSA-22, Revision E), and so as not to be in conflict with existing airport locations and flight patterns.

2. The applicant shall, in conjunction with the application, submit a statement that is certified and sealed by a licensed architect or engineer indicating that the proposed wireless communication facility is in compliance with all Federal Communications Commission (FCC) regulations and all building code requirements.

3. All wireless communication facilities shall maintain comprehensive general liability insurance issued by a company authorized to do business in Michigan with combined limits of not less than $1,000,000, and the applicant shall supply the city with proof of same prior to construction.

4. Security fencing shall be installed completely around freestanding facilities, any accessory utility structures and guy anchors. Access shall be provided only by a locked gate. Security fencing shall not be required for mounted facilities.

5. All towers or similar facilities, antenna structures, accessory utility structures and guy anchors and pads shall be equipped with anti-climbing devices.

d. *Collocation.*

1. In order to maximize the efficiency of the provision of wireless communication services, while also minimizing the impact of such facilities on the community, collocation shall be encouraged. All applicants for wireless communication facilities shall be required to provide information regarding the feasibility of collocation at proposed or existing sites. Furthermore, all applicants shall be required to provide a notarized letter of intent to lease excess space on the proposed facility and commit itself to the following:

   i. Respond to any requests for information from another potential shared use applicant;

   ii. Negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically feasible; and

   iii. Make no more than a reasonable charge for a shared use lease.

2. Should collocation be proposed at a wireless communication facility, accessory mechanical buildings shall either be situated directly adjacent to or abutting each other and separated by a firewall, shall be placed underground, or shall be designed in a manner which limits the number and size of the building(s) on the site. On-site constraints, such as existing topographical and other natural features, may be considered when reviewing a proposed collocation design. Accessory mechanical buildings shall be designed to be consistent in design, style and exterior appearance. Review and approval of accessory mechanical building(s) at a collocation-site shall be made by the planning commission.

e. *Abandonment.*

1. Wireless communication facilities which have been abandoned or are unused or disconnected from the network for a period of 12 months shall be immediately removed from the site at the cost of the facility applicant or successor.

2. Upon removal of a tower from a site, the foundation shall also be removed to a depth of at least six feet. Additionally, the fencing and accessory structure(s) shall be demolished and removed from the site at the cost of the facility applicant or successor.

f. *Application requirements.* Applications for a special use permit as set forth in this section shall contain the following in addition to the requirements or article VI of this chapter:

1. An explanation of the need of the applicant's clientele for this communications capacity.

2. Site and landscape plans drawn to scale.

3. The method of fencing and finished color and, if applicable, the method of camouflage and illumination.

4. A report including a description of the tower with technical support for the tower design.

5. Documentation establishing the structural integrity of the tower for the proposed uses.

6. The general capacity of the tower, and information necessary to assure that ANSI standards are met.

7. A statement of intent on whether excess space will be leased.

8. Proof of ownership or authorization to utilize the proposed site.

9. Copies of any easements necessary.

10. An analysis of the area containing existing topographical contours.

11. A presentation size map which shows an inventory of existing and proposed tower installations within the city and within one mile of the border thereof, including specific information about the location, height and design of each tower. The zoning official may share such information with other applicants applying for administrative approvals or seeking special use permits under this chapter or other organizations seeking to locate antennas within the city, provided, however, that the zoning official is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

12. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on towers or usable antenna support structures owned by the city or other persons located within a one-mile radius of the proposed tower site.

13. A written statement from a registered professional engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located within a one-mile radius of the proposed tower site.

(e) *Swimming pools.* Pools used for swimming or bathing shall not be located in any front yard and shall conform to the applicable yard and setback requirements for an accessory structure. In no instance shall a swimming pool be located closer than ten feet from any property line. Any fencing, barriers, and structures shall comply with the state construction code and county health department specifications. Any lights used for illumination of a swimming pool shall be arranged or shaded so as to reflect light away from adjoining premises.

(f) *Junk storage, inoperable vehicles, restorable vehicles.*

(1) *Junk storage.*

a. No person shall store, place, abandon or permit to be stored, placed, abandoned, or allow to remain, in any district, a dismantled, partially dismantled, unlicensed, unrestorable, or inoperable motor vehicle, junk, rubbish, trash, old furniture, used lumber, unused or discarded machines or equipment, or litter upon any premises, except in an approved and licensed salvage or junk yard or in the case of motor vehicles unless confined in a wholly enclosed structure.

b. No person shall store, place, abandon or permit to be stored, placed, abandoned, or allow to remain, in any district, wrecked or inoperable farm machinery, unless hidden from all vantage points from the general public.

(2) *Restorable vehicles.*

a. A junk vehicle is considered an inoperable vehicle that is not a "restorable vehicle". A "restorable vehicle" is defined as a vehicle actively being restored in connection with a hobby.

b. The restorable vehicle must be in active use as the object of the restoration effort.

c. All junk vehicles or inoperable vehicles that do not qualify as restorable vehicles shall not be parked or stored in the open in any zoning district of the city. The only exception is vehicles parked in connection with a business legitimately using such vehicles, such as a body shop or wrecking yard, in zoning districts where such businesses are authorized. In such cases vehicle storage must meet the screening requirements in division 2 of article VII of this chapter.

(3) *Standards.*

a. No inoperative, restorable vehicle shall be parked or stored in the front yard or within the required setback of the side yard of property in any zoning district.

b. No more than one restorable vehicle may be stored in the open in inoperable condition on any residential lot. A cover or wrap is to be provided to conceal the vehicle parked in the open.

c. All doors, hatches, and trunk lids shall be secured against entry by small children.

d. Inoperable vehicles described in this section are not permitted in the RS-1, RS-2, and RS-3 districts unless such vehicles qualify as restorable vehicles.

e. Open storage of parts, tools, and materials is forbidden.

(g) *Accessory structures.* Any garage or other structure used for motor vehicle storage or as an accessory structure shall satisfy the following:

(1) Authorized accessory structures may be erected as a part of the principal structure, may be connected to the principle structure by a roofed over porch, patio, breeze way, or similar structure, or may be completely detached from the principle structure. If connected to the principal structure, an accessory structure shall be made an integral part of it, and shall comply in all respects with the requirements applicable to the principal structure. An accessory structure not attached and not made a part of the principal structure shall not be nearer than ten feet from any other structure on the same lot and shall also comply with the front, rear and side yard requirements of this chapter.

(2) In all residential zoning districts, the storage of commercial vehicles in accessory structures shall be limited as provided in subsection 94-292(d) of this chapter.

(3) Space in a garage accessory to a multiple-family unit or a motel shall not be rented out except to occupants of the principal dwelling.

(4) The total lot coverage of all accessory structures shall not exceed 35 percent of the area of any rear yard.

(5) Side yard. In all districts accessory structures shall not be erected nearer to a side lot line than the permitted setback distance for the district unless otherwise permitted by this chapter. In the RS-1, RS-2, RS-3, and R2F districts, an accessory structure may be erected not closer than two feet from the side lot lines if the following requirements are satisfied:

a. The accessory structure is not attached to, and is located completely behind, the associated principal structure.

b. The interior and/or exterior surfaces of the wall facing a side lot line are constructed of fire-resistant material as approved by the building official if any portion of that wall is closer than five feet from a side lot line.

(6) Rear yard. In all districts accessory structures shall not be erected nearer to a rear lot line than the permitted setback distance for the district unless otherwise permitted by this chapter. In the RS-1, RS-2, RS-3 and R2F districts, an accessory structure may be erected nearer to a rear lot line than the permitted setback distance for the district provided the accessory structure is not attached to, and is located completely behind, the associated principal structure, and pursuant to the following:

a. Where there is a public alley abutting the rear of a lot for the full width of that lot, an accessory structure may be erected not closer than ten feet from a rear lot line.

c. Where there is not a public alley abutting the rear of a lot for the full width of that lot, an accessory structure may be erected not closer than five feet from a rear lot line.

(7) Corner lot. Where the rear line of a corner lot coincides with the side line of an adjoining lot in a residential district, an accessory building shall not be closer than the side yard setback requirement of said adjoining lot.

(8) Accessory structures shall not include structures, fabrications, items, or enclosures originally designed for other purposes. The following are specifically prohibited from being used as accessory structures in the city.

a. Mobile home.

b. Travel trailers.

c. Former vehicles such as buses and ambulances.

d. Motor homes.

e. Semi-trailer.

f. Other similar structures, fabrications, items, or enclosures.

(h) *Adult businesses.*

(1) *Intent.* The intent of this section is to regulate the location of, but not to exclude, adult businesses in the city by preventing the concentration of such uses in close proximity to each other and to minimize the negative impacts of their operation by separating such uses from residential, office/commercial and other areas of public congregation. This regulation is done with the understanding that the city recognizes that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly if several of them are concentrated under circumstances having a deleterious effect upon adjacent residential, office and commercial areas. The city recognizes that the regulation of

such uses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of surrounding residential neighborhoods, nonresidential areas or other places of public congregation.

(2) *Definitions.* As used in this chapter, the following terms shall have the meanings set forth below:

a. *Adult bookstore* means an establishment which has, as a significant portion of its stock in trade, books, periodicals, magazines, newspapers, pamphlets, pictures, photographs, motion picture films and/or videotapes, or novelty items or paraphernalia which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or section devoted to the sale or display of such material which exceeds 35 percent of the floor area of the establishment.

b. *Adult business* means adult bookstores, adult movie theaters, adult personal service businesses, adult cabarets, adult novelty businesses, massage parlors and nude modeling studios, or any combination thereof, as defined in this section.

c. *Adult business, significant portion* means a business where the stock in trade or services provided meets one or more of the following criteria:

1. Thirty-five percent or more of the stock, materials, novelties or services provided are classified as adult materials and/or services as defined in subsection 94-173(h)(2).

2. Thirty-five percent or more of the usable floor area of the building in which the adult business is located, is used for the sale, display and/or provision of services classified as adult materials and/or services, as defined in subsection 94-173(h)(2).

3. Thirty-five percent of the gross revenues of the business are derived from the sale or payment of an admission fee for adult materials and/or services as defined in subsection 94-173(h)(2).

4. The advertising (signs, publications, television, radio, and other media) associated with the business depicts, describes or relates to specified sexual activities and/or specified anatomical areas.

d. *Adult cabaret* means an establishment (which may or may not include the service of food or beverages) having as an activity the presentation or display of male or female impersonators, dancers, entertainers, waiters, waitresses or employees who display specified anatomical areas as defined herein.

e. *Adult motion picture theater* means an establishment which offers for sale the viewing of motion picture films, videotapes, pictures or photographs, television, or other visual media, which are distinguished or characterized by their emphasis

on matter depicting, describing or relating to specified sexual activity or specified anatomical areas, as defined herein, for the observation of patrons therein.

f. *Adult novelties* means objects, items, and/or devices offered for sale which are designed for sexual stimulation or which stimulate human genitals.

g. *Adult personal service business* means a business having as its principal activity a person, while nude or while displaying specified anatomical areas, as defined herein, providing personal services for another person. Such businesses include modeling studios, body painting studios, wrestling studios, personal dance rooms, and conversation parlors.

h. *Massage* means offering for sale through the use of physical, mechanical or other devices, the manipulation of body muscle or tissue by rubbing, stroking, kneading, tapping or vibrating of the body of another.

i. *Massage parlor* means an establishment wherein private massage is practiced, used or made available as a principal use of the premises.

j. *Nude modeling studio* means a place which offers as its principal activity the providing of models to display specified anatomical areas, as defined herein, for artists and photographers for a fee.

k. *Offered for sale* means offered in exchange for money, a membership fee or any other valuable consideration.

l. *Sexual intercourse* includes genital coitus, fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any person's body.

m. *Sodomy* means sexual intercourse with a member of the same sex or an animal.

n. *Specified anatomical areas* means:

1. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

2. Less than a fully opaque covering of:

i. A female individual's breast below a point immediately above the top of the nipple and areola.

ii. Any individual's genitals.

iii. Any individual's anus.

o. *Specified sexual activities* means:

1. Acts of human masturbation, sexual intercourse or sodomy.

2. Fondling or other erotic touching of specified anatomical areas.

3. Human genitalia in a state of sexual stimulation or arousal.

(3) *Location of uses.* Any existing building or land, or new building hereinafter erected, converted or structurally altered or used for an adult business, shall meet all of the following conditions:

a. An adult business shall only be permitted in the C-2 general commercial district with the approval of a special use permit.

b. No adult business, as defined herein, shall be permitted within a 600-foot radius of an existing adult business. Measurement of the 600-foot radius shall be made from the outermost boundaries of the lots or parcels upon which the existing and proposed adult uses are situated.

c. No adult business, as defined herein, shall be permitted within a 600 foot radius of any residentially used or zoned land as depicted on the official zoning map and defined in this chapter. Measurement of the 600-foot radius shall be made from the outermost boundaries of the lots or parcels upon which the proposed adult use and the residential use are situated.

d. No adult business, as defined herein, shall be permitted within a 1,000-foot radius of a school, library, park, playground, licensed group day care center, church, convent, monastery, synagogue or similar place of worship or public congregation. Measurement of the 1,000-foot radius shall be made from the outermost boundaries of the lots or parcels upon which the proposed adult use and the place of worship or public congregation are situated.

(4) *Miscellaneous requirements.*

a. No person shall reside in or permit any person to reside in the premises of an adult business.

b. The provisions of this section regarding massage parlors shall not apply to hospitals, sanitariums, nursing homes, medical clinics or the offices of a physician, surgeon, chiropractor, osteopath, psychologist, clinical social worker or family counselor who is licensed to practice his or her respective profession in the State of Michigan, or who is permitted to practice temporarily under the auspices of an associate or an establishment duly licensed in the state of Michigan, clergymen, certified members of the American Massage and Therapy Association and certified members of the International Myomassethics Federation who have a current massage therapist license.

(i) *Hotel, motel, transient lodging facilities.*

(1) *Intent.* The following shall set forth the requirements for construction and site development of transient housing accommodations within the city.

(2) *Standards.*

a. Minimum floor area for each guest unit shall contain not less than 250 square feet.

b. The minimum lot area shall be one acre with a minimum width of 150 feet, provided that there shall be at least 800 square feet of lot area for each guest.

c. The maximum lot coverage of all buildings, including accessory building shall not exceed more than 25 percent of the area within the boundary lines of land developed at any one time.

d. Minimum yard dimensions. All buildings shall observe a setback of not less than 75 feet from any road right-of-way, and not less than 40 feet from any side or rear property line.

e. The maximum building height shall not exceed two stories or 35 feet.

f. Site screening. The site may be enclosed by open structure wood or wire fences, shrubs and/or trees which, along any yard line, shall not exceed six feet in height. No screening shall impair safe vertical or horizontal sight distance for any moving vehicles. Screening at least four feet high shall be erected to prevent headlight glare on adjacent residential or agricultural property. No screening shall be closer than 50 feet to any street line, except headlight screening shall not be closer than 30 feet.

g. Lighting. All outdoor lighting shall be arranged so that it is deflected from adjacent properties, streets and thoroughfares, and shall not impair the safe movement of traffic.

(3) *Accessory uses.* Accessory uses such as meeting rooms, taverns, bars, or similar uses are permitted provided such shall be conducted within the same building as the principal use. A caretaker or proprietor's residence shall be permitted as an accessory use.

(4) *Motor vehicle access.*

a. *Site plans.* All site plan proposals submitted for this use shall provide for the proper handling of traffic on the highway, frontage road, or street giving access to the district. No access by motor vehicles, other than stated herein, shall be permitted to a minor or residential street. All points of entrance or exit shall be no closer than 50 feet from the intersection of the right-of-way lines of two streets.

b. *Interstate or interchange site location.* Whenever a proposed use is located adjacent to or within one-half mile of an existing, or planned state or interstate limited access highway interchange, it shall be incumbent upon the applicant to show that the proposed site location shall not cause unsafe traffic congestion resulting at or in conjunction with said limited access interchange, and the applicant shall request and submit with the application a written recommendation from the

Traffic Division of the Michigan Department of State Highways. In no case, shall private access drives be less than 200 feet from an interchange.

(5) Signs shall be those identifying any of the permitted uses within the zoning district and shall be in accordance with the provisions of any applicable city chapter.

(6) Off-street parking and loading requirements shall be in accordance with the provisions of article IX of this chapter except that required parking shall be furnished on the immediate premises.

(7) The storage of refuse and space required for the accumulation and out loading of garbage, trash, scrap, waste, and containers therefore shall comply with the standards in section 94-173(b).

(j) *Outdoor food and drink service areas.* It is the intent of this section to set forth the requirements for establishing outdoor food and drink service areas at a pub, tavern, or restaurant.

(1) General standards.

a. Provide a drawing to scale showing the seating plan and the layout of the outdoor dining space to be used in relation to adjacent properties and other public and private fixtures and amenities.

b. Trash receptacles shall be provided in food and drink service areas where table service is not provided. Trash receptacles shall be emptied when full and maintained in a clean and sanitary condition at all times.

c. Seating may not be placed in a way that obstructs pedestrian circulation or interferes with the opening of doors of buildings or parked vehicles.

d. An opaque fence or wall six feet in height shall be erected along all property lines abutting residentially zoned or used property.

e. Lighting shall be deflected away from abutting residentially zoned or used property.

(2) Establishments utilizing the public right-of-way shall do so only under a license granted by the city council which shall be revocable at the will of the council and shall include the following minimum standards in addition to the general standards of this section:

a. Establishments shall agree to defend, indemnify, and hold the city and its elected and appointed officers, agents, and employees harmless from all liability for damages or personal injuries resulting from any occurrence on the licensed property as a result of the establishment's use or occupancy of the public right-of-way and shall provide public liability insurance naming the city as an additional named insured in a form and with limits acceptable to the city.

b. Establishments must maintain a minimum of four feet of unobstructed sidewalk within the public right-of-way.

(k) Medical Marihuana

(1) Findings.

a. Voters in the state of Michigan approved a referendum authorizing the medical use of marihuana in certain limited situations.

b. The intent of the referendum was to enable certain specified persons who comply with the various registration provisions of the law to legally possess and use marihuana for medical purposes without fear of criminal prosecution under limited, specific circumstances.

c. Despite the details of the state legislation and the activities legally allowed under the Medical Marihuana Act, marihuana is still a controlled substance under Michigan law and the legalization of possession, cultivation/growth, use and distribution in specific circumstances has a potential for abuse that should be closely monitored to avoid activities that can cause a public nuisance and other than conditions detrimental to the health, safety and welfare of the residents of the city of Mason.

(2) Intent.

It is the intent of this Ordinance to regulate the use of medical marihuana to protect the health, safety and welfare of the residents of the city of Mason. It is not the intent of this Ordinance to violate any rights protected by the Constitution of either the State of Michigan or the United States of America. It is the intent of the City of Mason that nothing in this Ordinance be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow the use, possession or control of marihuana for non-medical purposes or to allow activity relating to cultivating, storing, possessing, distributing or consuming marihuana that is otherwise illegal under federal or state law. This Ordinance is not intended to condone, authorize or provide immunity from prosecution for violations of federal or state law, but rather only to describe the type of conduct which constitutes a violation of this Ordinance.

(3) Definitions.

Any term used in this Ordinance which is defined in the Michigan Medical Marihuana Act (MCL § 333.26421 et seq) shall have the meaning given it by the Michigan Medical Marihuana Act.
As used in this Section 4(f), the term "assist" or "assisting" shall mean to grow medical marihuana for or distribute medical marihuana to, or receive compensation for costs associated with growing or distributing medical marihuana for or to other persons.

(4) Prohibited Conduct Described.

a. General Compensation Restrictions: Patient-to-Patient Compensation Restrictions

No person shall receive or share in compensation for the costs associated with assisting a qualifying patient with the medical use of marihuana to a qualifying patient except for a registered caregiver who is distributing marihuana to a qualifying patient that the registered caregiver is connected to through the Michigan Department of Licensing and Regulatory Affairs' registration process and the transaction is otherwise in compliance with the Michigan Medical Marihuana Act. No qualifying patient shall receive compensation for costs associated with assisting other qualifying patients with the medical use of marihuana unless the qualifying patient providing the assistance is a registered primary caregiver connected to the qualifying patient receiving the marihuana through the Michigan Department of Licensing and Regulatory Affairs' registration process and the transaction is otherwise in accordance with the Michigan Medical Marihuana Act.

b. Possession and Access Restriction Limits

No primary caregiver or qualifying patient or other person shall possess marihuana or marihuana plants in excess of the amount he or she is allowed to possess under MCL § 333.26424(a) or (b). The possession limits for a registered caregiver under the Michigan Medical Marihuana Act are as follows:

1. 2.5 ounces of usable marihuana for each qualifying patient that is connected to the caregiver.

2. 12 marihuana plants kept in an enclosed, locked facility, for each registered qualifying patient who has specified that the qualified caregiver will be allowed to cultivate marihuana for the qualifying patient.

3. Any incidental amount of seeds, stalks, and unusable roots.

The possession limits for a qualifying patient under the Michigan Medical Marihuana Act are as follows:

1. 2.5 ounces of usable marihuana.

2. 12 marihuana plants kept in an enclosed, locked facility provided that the qualifying patient has not specified that a primary caregiver will be allowed to cultivate marihuana for the qualifying patient.

3. Any incidental amount of seeds, stalks, and unusable roots shall also be allowed under state law and shall not be included in this amount.

Medical marihuana growing areas where primary caregivers or qualified patients share space with other caregivers or other qualifying patients in the

same room are prohibited under this Ordinance. Primary caregivers shall not allow access to their medical marihuana growing room(s) to any other primary caregivers, qualifying patients or non-caregivers or non-patients, nor to any employees or contractors or any other person other than law enforcement officials present for ordinance or law enforcement duties.

c. Entity Restrictions

The following entities are expressly prohibited from receiving compensation for costs associated with assisting a registered qualifying patient in the medical use of marihuana: corporations, limited liability companies, and partnerships.

d. Common Facilities Restrictions

It shall be a violation of this ordinance for any person to participate as a registered primary caregiver in a jointly operated facility where primary caregivers jointly share building space which is used in common to assist more than 5 qualifying patients with the medical use of marihuana. Use "in common," as that phrase is used in this subparagraph, shall include a shared or common reception area, a shared or common customer service area, and a shared or common area for the growing of medical marihuana.

e. Restrictions Against Delegation of Caregiver Functions (Restriction on Use of Employees)

It shall be a violation of this Ordinance for a primary caregiver to delegate to an employee or other person not independently authorized by the Michigan Medical Marihuana Act the authorization or permission to provide assistance with the medical use of marihuana to a qualifying patient.

f. Primary Caregiver Distribution/Growing Restrictions

1. It shall be a violation of this Ordinance for a primary caregiver to grow medical marihuana for or distribute medical marihuana to any person who is not a qualifying patient to whom the primary caregiver is connect through the Michigan Department of Licensing and Regulatory Affairs' registration process.

2. It shall be a violation of this Ordinance for any person other than a registered primary caregiver to receive compensation from any person or entity for the costs associated with assisting a registered qualifying patient in the medical use of marihuana.

3. It shall be a violation of this Ordinance for a primary caregiver to assist another person with his or her medical use of marihuana unless the primary caregiver is approved as a registered primary caregiver by the Michigan Department of Licensing and Regulatory Affairs.

4. It shall be a violation of this Ordinance for a primary caregiver to assist more than five (5) qualifying patients with their medical use of marihuana.

5. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure which contains electrical wiring, lighting, ventilation, and watering devises that support the cultivation, growing or harvesting of marihuana.

(5) Additional Operational Restrictions.

a. The sale, distribution, cultivation and possession of marihuana or marihuana plants are prohibited to the extent it is in violation of the Michigan Medical Marihuana Act.

(6) Severability.

If any portion of this Ordinance or the application thereof to any person is adjudged to be invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other portion of this Ordinance, or the application to any other portion of this Ordinance to any such person or other persons.

THE CITY OF MASON FURTHER ORDAINS:

Previously enacted Ordinance No. 196 adopted July 7, 2014, is hereby repealed in its entirety from the Code of the City of Mason.

Effective Date. Notice of this ordinance shall be published in a newspaper of general circulation in the city within 15 days after its adoption and mailed in accordance with the requirements of MCL 125.3401. This ordinance shall take effect upon the expiration of 20 days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member _____ and supported 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 _____, 2016. Ordinance No. ____ declared adopted this _____ day of _____, 2016.

_____
Mike Waltz, Mayor

_____
Deborah J. Cwiertniewicz, City Clerk

REVENUE AND EXPENDITURE REPORT FOR CITY OF MASON

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 101 - GENERAL FUND						
Revenues						
000.00		270,470.00	0.00	0.00	270,470.00	0.00
215.00	CLERK	6,250.00	6,771.05	207.16	(521.05)	108.34
254.00	TREASURER/FINANCE	5,108,225.00	4,326,039.75	1,288,288.51	782,185.25	84.69
271.00	FORESTRY	29,770.00	34,470.00	300.00	(4,700.00)	115.79
276.00	CEMETERY	37,200.00	19,454.00	3,285.00	17,746.00	52.30
301.00	POLICE DEPARTMENT	71,820.00	51,537.42	3,925.30	20,282.58	71.76
336.00	FIRE DEPARTMENT	174,230.00	83,549.71	37,217.73	90,680.29	47.95
528.00	REFUSE COLLECTION	355,515.00	357,837.08	0.00	(2,322.08)	100.65
747.00	COMMUNITY GARDEN	375.00	0.00	0.00	375.00	0.00
751.00	RECREATION	5,000.00	3,161.70	225.00	1,838.30	63.23
850.00	WORKERS COMPENSATION	52,645.00	58,079.00	0.00	(5,434.00)	110.32
TOTAL Revenues		6,111,500.00	4,940,899.71	1,333,448.70	1,170,600.29	80.85
Expenditures						
101.00	COUNCIL	41,570.00	45,469.70	4,494.31	(3,899.70)	109.38
172.00	ADMINISTRATOR	286,320.00	120,156.06	69,149.35	166,163.94	41.97
209.00	ASSESSING	51,295.00	29,159.54	4,348.93	22,135.46	56.85
215.00	CLERK	141,705.00	79,831.11	16,536.53	61,873.89	56.34
247.00	BOARD OF REVIEW	650.00	180.00	0.00	470.00	27.69
254.00	TREASURER/FINANCE	501,600.00	348,489.64	137,739.38	153,110.36	69.48
260.00	TECHNOLOGY	100,445.00	29,097.78	4,768.25	71,347.22	28.97
262.00	ELECTIONS	0.00	0.00	(24,454.28)	0.00	0.00
265.00	BUILDING OFFICIAL/CITY HALL	156,315.00	91,679.46	18,493.79	64,635.54	58.65
266.00	LEGAL/ATTORNEY	90,000.00	73,446.13	12,817.10	16,553.87	81.61
268.00	PARK STREET PROPERTY	41,985.00	0.00	0.00	41,985.00	0.00
269.00	PROPERTY	461,650.00	276,404.68	3,192.22	185,245.32	59.87
271.00	FORESTRY	77,595.00	50,052.37	9,540.25	27,542.63	64.50
272.00	ADMINISTRATIVE SERVICES	272,515.00	147,209.94	73,568.34	125,305.06	54.02
276.00	CEMETERY	198,755.00	122,190.24	55,801.23	76,564.76	61.48
305.00	POLICE ADMINISTRATION	340,520.00	219,640.86	72,225.26	120,879.14	64.50
315.00	CROSSING GUARDS	24,170.00	13,267.90	5,266.40	10,902.10	54.89
316.00	POLICE PATROLLING	1,054,400.00	728,771.16	207,435.35	325,628.84	69.12
336.00	FIRE DEPARTMENT	526,460.00	373,618.98	67,444.87	152,841.02	70.97
380.00	PLANNING/ZONING OFFICIAL	126,710.00	75,439.26	16,491.24	51,270.74	59.54
426.00	CIVIL DEFENSE	1,870.00	1,382.50	55.00	487.50	73.93
428.00	DISASTER ACCOUNT	100.00	0.00	0.00	100.00	0.00
441.00	PUBLIC SERVICES	6,000.00	4,566.79	2,243.82	1,433.21	76.11
447.00	ENGINEERING	300.00	300.00	300.00	0.00	100.00
448.00	STREET LIGHTING	96,860.00	52,657.86	10,198.99	44,202.14	54.36
458.00	SIDEWALK CONSTRUCTION-REPAIR	5,085.00	5,543.36	2,162.67	(458.36)	109.01
528.00	REFUSE COLLECTION	354,715.00	214,267.14	44,463.68	140,447.86	60.41
747.00	COMMUNITY GARDEN	680.00	43.59	0.56	636.41	6.41
756.00	PARKS AND BALL DIAMONDS	171,425.00	141,829.33	35,568.31	29,595.67	82.74
758.00	PUBLIC ART	1,000.00	0.00	0.00	1,000.00	0.00
775.00	SENIOR CITIZENS	8,085.00	4,860.00	1,510.00	3,225.00	60.11
790.00	LIBRARY	15,095.00	8,492.28	1,500.00	6,602.72	56.26
806.00	CHRISTMAS DECORATIONS	5,570.00	5,746.69	3,731.89	(176.69)	103.17
807.00	CABLE COMMISSION	315.00	2,115.00	915.00	(1,800.00)	671.43
808.00	PLANNING COMMISSION	2,950.00	326.80	203.28	2,623.20	11.08
850.00	WORKERS COMPENSATION	52,645.00	58,079.00	0.00	(5,434.00)	110.32
855.00	RETIREE BENEFITS	116,210.00	78,195.96	9,764.01	38,014.04	67.29
890.00	CONTINGENCIES	103,020.00	50,525.00	50,525.00	52,495.00	49.04
999.00	SURPLUS	674,915.00	742,589.06	57,177.70	(67,674.06)	110.03

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 101 - GENERAL FUND						
Expenditures						
TOTAL Expenditures		6,111,500.00	4,195,625.17	975,178.43	1,915,874.83	68.65
Fund 101 - GENERAL FUND:						
TOTAL REVENUES		6,111,500.00	4,940,899.71	1,333,448.70	1,170,600.29	80.85
TOTAL EXPENDITURES		6,111,500.00	4,195,625.17	975,178.43	1,915,874.83	68.65
NET OF REVENUES & EXPENDITURES		0.00	745,274.54	358,270.27	(745,274.54)	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 202 - MAJOR STREETS FUND						
Revenues						
000.00		1,327,740.00	383,665.51	87,911.78	944,074.49	28.90
TOTAL Revenues		1,327,740.00	383,665.51	87,911.78	944,074.49	28.90
Expenditures						
000.00		99,200.00	0.00	0.00	99,200.00	0.00
451.00	STREET/ROAD CONSTRUCTION	949,060.00	169,389.65	31,555.13	779,670.35	17.85
463.00	STREET MAINTENANCE	135,415.00	104,987.71	5,936.97	30,427.29	77.53
474.00	TRAFFIC SERVICES	32,675.00	3,953.02	962.28	28,721.98	12.10
478.00	WINTER MAINTENANCE	44,290.00	9,658.67	5,820.58	34,631.33	21.81
482.00	STREET ADMIN/GEN EXP	67,100.00	67,100.00	67,100.00	0.00	100.00
TOTAL Expenditures		1,327,740.00	355,089.05	111,374.96	972,650.95	26.74
Fund 202 - MAJOR STREETS FUND:						
TOTAL REVENUES		1,327,740.00	383,665.51	87,911.78	944,074.49	28.90
TOTAL EXPENDITURES		1,327,740.00	355,089.05	111,374.96	972,650.95	26.74
NET OF REVENUES & EXPENDITURES		0.00	28,576.46	(23,463.18)	(28,576.46)	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 203 - LOCAL STREETS FUND						
Revenues						
000.00		685,840.00	613,510.64	10,724.54	72,329.36	89.45
TOTAL Revenues		685,840.00	613,510.64	10,724.54	72,329.36	89.45
Expenditures						
451.00	STREET/ROAD CONSTRUCTION	429,515.00	547,576.84	0.00	(118,061.84)	127.49
463.00	STREET MAINTENANCE	143,130.00	105,349.82	7,718.69	37,780.18	73.60
474.00	TRAFFIC SERVICES	12,400.00	1,237.35	476.58	11,162.65	9.98
478.00	WINTER MAINTENANCE	35,205.00	7,883.04	3,972.54	27,321.96	22.39
482.00	STREET ADMIN/GEN EXP	65,590.00	65,590.00	65,590.00	0.00	100.00
TOTAL Expenditures		685,840.00	727,637.05	77,757.81	(41,797.05)	106.09
Fund 203 - LOCAL STREETS FUND:						
TOTAL REVENUES		685,840.00	613,510.64	10,724.54	72,329.36	89.45
TOTAL EXPENDITURES		685,840.00	727,637.05	77,757.81	(41,797.05)	106.09
NET OF REVENUES & EXPENDITURES		0.00	(114,126.41)	(67,033.27)	114,126.41	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY						
Revenues						
000.00		150,150.00	61,727.93	6,561.10	88,422.07	41.11
TOTAL Revenues		150,150.00	61,727.93	6,561.10	88,422.07	41.11
Expenditures						
000.00		150,150.00	48,980.81	0.00	101,169.19	32.62
TOTAL Expenditures		150,150.00	48,980.81	0.00	101,169.19	32.62
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY:						
TOTAL REVENUES		150,150.00	61,727.93	6,561.10	88,422.07	41.11
TOTAL EXPENDITURES		150,150.00	48,980.81	0.00	101,169.19	32.62
NET OF REVENUES & EXPENDITURES		0.00	12,747.12	6,561.10	(12,747.12)	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 250 - LOCAL DEV. FINANCE AUTHORITY						
Revenues						
000.00		313,840.00	1,645,715.63	533.21	(1,331,875.63)	524.38
TOTAL Revenues		313,840.00	1,645,715.63	533.21	(1,331,875.63)	524.38
Expenditures						
691.00	L.D.F.A.	313,840.00	72,025.57	13,950.62	241,814.43	22.95
TOTAL Expenditures		313,840.00	72,025.57	13,950.62	241,814.43	22.95
Fund 250 - LOCAL DEV. FINANCE AUTHORITY:						
TOTAL REVENUES		313,840.00	1,645,715.63	533.21	(1,331,875.63)	524.38
TOTAL EXPENDITURES		313,840.00	72,025.57	13,950.62	241,814.43	22.95
NET OF REVENUES & EXPENDITURES		0.00	1,573,690.06	(13,417.41)	(1,573,690.06)	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 297 - ECONOMIC DEVELOPMENT COMM.						
Revenues						
000.00		40.00	24.94	3.61	15.06	62.35
TOTAL Revenues		40.00	24.94	3.61	15.06	62.35
Expenditures						
000.00		40.00	0.00	0.00	40.00	0.00
TOTAL Expenditures		40.00	0.00	0.00	40.00	0.00
Fund 297 - ECONOMIC DEVELOPMENT COMM.:						
TOTAL REVENUES		40.00	24.94	3.61	15.06	62.35
TOTAL EXPENDITURES		40.00	0.00	0.00	40.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	24.94	3.61	(24.94)	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 401 - CAPITAL IMPROVEMENT FUND						
Revenues						
000.00		131,615.00	68,391.55	0.00	63,223.45	51.96
TOTAL Revenues		131,615.00	68,391.55	0.00	63,223.45	51.96
Expenditures						
000.00		131,615.00	85,932.32	0.00	45,682.68	65.29
TOTAL Expenditures		131,615.00	85,932.32	0.00	45,682.68	65.29
Fund 401 - CAPITAL IMPROVEMENT FUND:						
TOTAL REVENUES		131,615.00	68,391.55	0.00	63,223.45	51.96
TOTAL EXPENDITURES		131,615.00	85,932.32	0.00	45,682.68	65.29
NET OF REVENUES & EXPENDITURES		0.00	(17,540.77)	0.00	17,540.77	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 592 - WATER/SEWER FUND						
Revenues						
000.00		5,255,285.00	1,717,935.34	198,854.32	3,537,349.66	32.69
TOTAL Revenues		5,255,285.00	1,717,935.34	198,854.32	3,537,349.66	32.69
Expenditures						
545.00	WATER & SEWER ADMINISTRATION	121,535.00	74,669.88	9,543.20	46,865.12	61.44
546.00	SEWER IMPROVEMENT	41,010.00	41,010.96	41,010.96	(0.96)	100.00
548.00	SEWER MAINTENANCE	142,850.00	220,110.73	30,691.94	(77,260.73)	154.09
555.00	WASIEWATER TREATMENT PLANT	2,492,485.00	659,796.56	273,273.92	1,832,688.44	26.47
556.00	WATER MAINTENANCE	413,855.00	271,990.92	82,604.58	141,864.08	65.72
557.00	STORM SEWER PROGRAM	18,495.00	6,287.50	6,287.50	12,207.50	34.00
558.00	WATER IMPROVEMENT	501,885.00	512,663.42	88,180.00	(10,778.42)	102.15
559.00	WATER TREATMENT PLANT	858,170.00	277,729.68	57,482.34	580,440.32	32.36
566.00	ALLCWANCE FOR DEPRECIATION	665,000.00	0.00	0.00	665,000.00	0.00
TOTAL Expenditures		5,255,285.00	2,064,259.65	589,074.44	3,191,025.35	39.28
Fund 592 - WATER/SEWER FUND:						
TOTAL REVENUES		5,255,285.00	1,717,935.34	198,854.32	3,537,349.66	32.69
TOTAL EXPENDITURES		5,255,285.00	2,064,259.65	589,074.44	3,191,025.35	39.28
NET OF REVENUES & EXPENDITURES		0.00	(346,324.31)	(390,220.12)	346,324.31	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 612 - MASON BUILDING AUTHORITY						
Revenues						
000.00		276,265.00	33,556.60	0.02	242,708.40	12.15
TOTAL Revenues		276,265.00	33,556.60	0.02	242,708.40	12.15
Expenditures						
000.00		276,265.00	33,556.25	0.00	242,708.75	12.15
TOTAL Expenditures		276,265.00	33,556.25	0.00	242,708.75	12.15
Fund 612 - MASON BUILDING AUTHORITY:						
TOTAL REVENUES		276,265.00	33,556.60	0.02	242,708.40	12.15
TOTAL EXPENDITURES		276,265.00	33,556.25	0.00	242,708.75	12.15
NET OF REVENUES & EXPENDITURES		0.00	0.35	0.02	(0.35)	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 661 - MOTOR VEHICLE POOL						
Revenues						
000.00		499,930.00	249,713.10	20,294.03	250,216.90	49.95
TOTAL Revenues		499,930.00	249,713.10	20,294.03	250,216.90	49.95
Expenditures						
567.00	SHOP & BLDG. MAINTENANCE	47,915.00	40,802.01	35,860.57	7,112.99	85.15
568.00	EQUIPMENT MAINTENANCE	180,825.00	106,640.65	14,217.88	74,184.35	58.97
901.00	EQUIPMENT-CAPITAL OUTLAY	271,190.00	39,406.66	5,597.10	231,783.34	14.53
TOTAL Expenditures		499,930.00	186,849.32	55,675.55	313,080.68	37.38
Fund 661 - MOTOR VEHICLE POOL:						
TOTAL REVENUES		499,930.00	249,713.10	20,294.03	250,216.90	49.95
TOTAL EXPENDITURES		499,930.00	186,849.32	55,675.55	313,080.68	37.38
NET OF REVENUES & EXPENDITURES		0.00	62,863.78	(35,381.52)	(62,863.78)	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 702 - RAYNER BOND FUND						
Revenues						
000.00		60,950.00	9,836.02	1,393.54	51,113.98	16.14
TOTAL Revenues		60,950.00	9,836.02	1,393.54	51,113.98	16.14
Expenditures						
000.00		60,950.00	49,734.62	0.00	11,215.38	81.60
TOTAL Expenditures		60,950.00	49,734.62	0.00	11,215.38	81.60
Fund 702 - RAYNER BOND FUND:						
TOTAL REVENUES		60,950.00	9,836.02	1,393.54	51,113.98	16.14
TOTAL EXPENDITURES		60,950.00	49,734.62	0.00	11,215.38	81.60
NET OF REVENUES & EXPENDITURES		0.00	(39,898.60)	1,393.54	39,898.60	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 711 - CEMETERY TRUST FUND						
Revenues						
000.00		4,175.00	2,883.57	780.04	1,291.43	69.07
TOTAL Revenues		4,175.00	2,883.57	780.04	1,291.43	69.07
Expenditures						
000.00		4,175.00	0.00	0.00	4,175.00	0.00
TOTAL Expenditures		4,175.00	0.00	0.00	4,175.00	0.00
Fund 711 - CEMETERY TRUST FUND:						
TOTAL REVENUES		4,175.00	2,883.57	780.04	1,291.43	69.07
TOTAL EXPENDITURES		4,175.00	0.00	0.00	4,175.00	0.00
NET OF REVENUES & EXPENDITURES		0.00	2,883.57	780.04	(2,883.57)	100.00

PERIOD ENDING 01/31/2016

GL NUMBER	DESCRIPTION	2015-16 AMENDED BUDGET	YTD BALANCE 01/31/2016 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 01/31/2016 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 812 - SPECIAL ASSESSMENT FUND						
Revenues						
000.00		161,095.00	34,577.55	96.17	126,517.45	21.46
TOTAL Revenues		161,095.00	34,577.55	96.17	126,517.45	21.46
Expenditures						
000.00		161,095.00	149,547.28	92,578.53	11,547.72	92.83
TOTAL Expenditures		161,095.00	149,547.28	92,578.53	11,547.72	92.83
Fund 812 - SPECIAL ASSESSMENT FUND:						
TOTAL REVENUES		161,095.00	34,577.55	96.17	126,517.45	21.46
TOTAL EXPENDITURES		161,095.00	149,547.28	92,578.53	11,547.72	92.83
NET OF REVENUES & EXPENDITURES		0.00	(114,969.73)	(92,482.36)	114,969.73	100.00
TOTAL REVENUES - ALL FUNDS		14,978,425.00	9,762,438.09	1,660,601.06	5,215,986.91	65.18
TOTAL EXPENDITURES - ALL FUNDS		14,978,425.00	7,969,237.09	1,915,590.34	7,009,187.91	53.20
NET OF REVENUES & EXPENDITURES		0.00	1,793,201.00	(254,989.28)	(1,793,201.00)	100.00

Tel. 517-676-5211 email: jackbcarmi44@gmail.com

March 9, 2016

Prepublication copy of a presentation to the Mason, MI City Council

May I begin this evening by quoting two recent pronouncements of Governor Rick Snyder, State of Michigan, engendered by the Flint water crisis.

"Our reputation and trust can be severely impacted when people do not make good decisions or use good judgment in solving problems."

"That principle is universal but never more so than when public health is at stake. What happened in Flint (a most severe water pollution problem causing permanent brain damage in countless citizens-author's note) can NEVER (author's caps) be allowed to happen again anywhere in our state."

But what if the West Bay Exploratory Company of Traverse City, Michigan contaminates the Mason aquifer with the well it proposes to drill just outside the Mason city limits? Mason would then face a Flint-like situation. The aquifer is our sole source of drinking water. The Mason city attorney has told the City Council that they are helpless to intervene. Only the Supervisor of Wells of the Michigan Department of Environmental Quality has the authority to deny West Bay a permit to drill said well. This is a moot point, since West Bay has not yet applied for said permit.

On another front, recall that in my May, 2015 letter to past City Administrator Colburn (presented to all the Council members by me) I estimated that a 10% drop in property values might result from the West Bay project which would cost Mason property owners about $20 million. Now it appears that my estimate was far too low. Dan Penning, a Farmington Hills, MI attorney who specializes in property tax appeals and Nathan Resnick, a Bloomfield Hills, MI lawyer who specializes in tax appeals and real estate law say there is a plummeting of fair market real estate values in Flint.

Attorney Penning estimates a drop of 25% in Flint property values. Apply that percentage to Mason and do the math. An estimated loss of $50 million to Mason property owners would occur if West Bay pollutes our ground water.

Concerned citizens of Mason and elsewhere, whether sitting on the Mason City Council or otherwise observing this developing situation, send an email to the Michigan Department of Environmental Quality: Tell them "Just say no! when West Bay applies" snowm@mi.gov

Profert to all interested parties,

Jack B. Carmichael, Ph. D., professional officer, United Nations (retired) and formerly associated with an agency of the federal government concerned with protecting the security of the United States of America.

MEMORANDUM

TO: Honorable Mayor and Council Members

FROM: Deborah Stuart, City Administrator

DATE: March 9, 2016

RE: ITEM 14: City Administrator's Report

Food Truck Ordinance: The Planning Commission will be considering this item at their March 15, 2016 meeting. They will be requested to make a recommendation to the City Council at their April Planning Commission Meeting.

Consumers Energy: This week, I met with the Area Manager for Public Affairs at Consumers Energy to discuss some issues with their cold patching and poles not in use that have yet to be removed. The meeting was very positive and they agreed that having a point of contact through the City Administrator's office directly to the Area Manager would expedite resolution of issues. If you are aware of an issue with Consumers, please forward those directly to me.

Granger: Last week, I met with a representative from Granger to discuss our refuge contract and some proposed changes moving forward. These changes may include provided refuge containers and expansion of services to include recycling for all residents. It was a productive meeting and they are providing some sample agreements from other communities. Due to the investment planned by the company, they are seeking a longer contract. While I'm supportive of the changes and the longer contract, it would prudent to seek proposals through a competitive process. I plan to prepare that in the near term.

Vehicle Accident: A City of Mason truck was involved in a minor accident on March 1. No one was injured, but there was minor damage to the other vehicle involved. Appropriate reporting and documentation occurred.