CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

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

CITY COUNCIL MEETING - COUNCIL CHAMBER

Monday, June 6, 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 – Jeff Mills from Arts Initiative of Mason Presenting Art Work to the City of Mason
7. Consent Agenda
   A. Approval of Minutes
      - Regular Council Meeting: May 16, 2016
   B. Approval of Bills in Amount of $ 786,462.01
   C. Motion – Approval of Street Closure for Movies by Moonlight
   D. Motion – Approval of Street Closure for Relay for LIfe
8. Regular Business
   A. Resolution – Authorizing an Application to the Ingham County Regional Trails and Parks Millage Fund to Rehabilitate Two Pedestrian Bridges in the City of Mason
9. Unfinished Business
   A. Motion – Second Reading and Adoption – Mobile Food Vending Regulation Ordinance
10. New Business
11. Correspondence
    A. City Attorney's Report
12. Liaison Reports
13. Councilmember Reports
14. Administrator's Report
15. Closed Session
    A. Motion - Adjourn to Closed Session Related to Contract Negotiations with AFSCME
    B. Motion - Reconvene to Council Chambers - Open Meeting
16. Adjournment

CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 16, 2016

Mayor Waltz called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mayor Pro Tem Brown 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
Tom Hitch, City Attorney

*Ferris arrived at 7:32 p.m.

ANNOUNCEMENTS

- Ingham County Trails and Parks Task Force meeting with Traverse Area Recreation and Transportation Trails (TART) – Hilliard Building – May 26, 2016

PEOPLE FROM THE FLOOR

Jim Maddix of 450 High Point Street, Apartment No. 2, stated that he would donate two hours per week to maintain Rayner Park, as he has in the past. He added that if 18 others would volunteer two hours per week, it would be equivalent to having a full-time employee.

Jack Carmichael of 519 South Rogers asked for direction to obtain water quality data regarding copper levels. Administrator Stuart stated that Mr. Carmichael may be referring to testing conducted by the school district and suggested that they would be in possession of that data.

Jena Keller, owner of Salon 130, stated that she was opposed to food truck vendors parking on downtown streets due to concerns for customer parking. Her customers express that they have difficulty finding parking.

Seth Waxman, Planning Commission Secretary, encouraged Council to approve the proposed Food Truck Vendor Ordinance for first reading this evening. He asked that the sunset provision be extended to 18 months to allow a complete year to evaluate the pilot program.

Joe Ghinelli, owner of the Courthouse Pub, stated opposition to food truck vendors parking on downtown streets. He suggested allowing the use in parks and on private property for the pilot program. He echoed the parking concerns of Ms. Keller stating that his employees have difficulty finding parking.

CONSENT AGENDA

MOTION by Droscha, second by Bruno,
to approve the Consent Agenda as presented:

A. Approval of Minutes
   - Regular Council Meeting: May 4, 2016

B. Approval of Bills
   - Approve the bills in the amount of $ 126,210.37.

C. Amend the 2015-2016 Fiscal Year Budget
   - Amend the 2015-2016 Fiscal Year Budget as presented.

MOTION APPROVED

REGULAR BUSINESS

None.

UNFINISHED BUSINESS

Motion – Introduction and First Reading – Mobile Food Vending Regulation Ordinance

MOTION by Brown, second by Droscha,
to introduce City Council Ordinance – Mobile Food Vending Regulation, and consider it read for the first time.

There was extensive discussion regarding the proposed mobile food vending regulation ordinance. Suggestions were offered for changes. Statements of support as well as opposition were made.

Vote on the motion:
Yes (4) Brown, Droscha, Ferris, Waltz
No (3) Bruno, Clark, Mulvany
MOTION APPROVED

Resolution – Adoption of FY 2016-2017 Budget

MOTION by Droscha, second by Brown,
to consider City Council Resolution – Adoption of FY 2016-2017 Budget, as read.
MOTION APPROVED

City Council Resolution – Adoption of FY 2016-2017 Budget was introduced by Brown and seconded by Mulvany.

Discussion ensued regarding the budget saving and customer service justification for hiring a full-time building inspector who would conduct building inspections, take the role of code enforcement, and be available on-site for customers. This action would result in termination of the agreement with Meridian Township for building inspection services, as well as the part-time code enforcement officer position.

MOTION by Clark, second by Brown,
to not expand the office of building inspector and leave the code enforcement officer position in place.
Yes (2) Bruno, Clark
No (5) Brown, Droscha, Ferris, Mulvany, Waltz
MOTION FAILED

CITY OF MASON
CITY COUNCIL RESOLUTION 2016-14
ADOPTION OF THE FY 2016-2017 BUDGET
May 16, 2016

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2016-2017 fiscal year budget on Wednesday, May 4, 2016 as prescribed by law.

NOW, THEREFORE BE IT RESOLVED, that the proposed 2016-2017 Operating Budget is filed with the City Clerk, providing for the sums of $15,414,810 to expend for municipal purposes of the General Fund, Special Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental funds, and Special Assessment Funds for the 2016-2017 fiscal year, and the said amount of $2,828,170 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason;

RESOLVED FURTHER, that whereas the captured State Taxable Valuation for the Downtown Development Authority (DDA) District is $2,009,379, the sum of $26,930 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future improvements within the District, and bond payments;

RESOLVED FURTHER, that whereas the captured State Taxable Valuation for the Local Development Finance Authority (LDFA) District is $46,880,431, the sum of $129,055 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future improvements within the District, and bond payments;

RESOLVED FURTHER, that the 2016-2017 Governmental Fund Budgets shall be automatically amended on July 1, 2016 to re-appropriate encumbrances outstanding and reserved on June 30, 2016; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2016-2017 proposed fiscal year budget which is currently on file in the office of the City Clerk.

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

Motion – Authorizing the City Administrator to Proceed with Amended Terms for Rayner Park
Stuart informed Council regarding the meeting with the County to renegotiate the terms of the Rayner Park quit claim deed. A lengthy discussion was held regarding items of concern.

MOTION by Brown, second by Clark,
to authorize the City Administrator and City Attorney to proceed with requesting the amended terms inclusive of the concerns relating to parking on the grass and the costs incurred from parking on the grass.

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

Bruno stated that it is time to notify WOW cable that many residents of Mason are not happy with the service.

NEW BUSINESS
Clark informed City Administrator Stuart that Gorsline Runciman Funeral Home is

requesting removal of the unhealthy tree in front of the building at their cost.

Mulvany stated that the building permit requirement for re-roofing is excessive and unnecessary and should be reviewed.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

Brown informed Council regarding Planning Commission business.

COUNCILMEMBER REPORTS

Ferris informed Council that the Friends of Lansing Regional Parks will be providing an overview of the ambassador program on May 26, 2016 at the Hilliard Building.

ADMINISTRATOR'S REPORT

Stuart informed Council regarding current City business. She commended Fire Chief Minshall on his recognition as Citizen of the Year by the Brothers of Mason Lodge No. 70.

A brief discussion was held regarding sidewalk placement along the front of the Summerwood neighborhood development.

City Attorney Tom Hitch presented his quarterly report to Council. He commended Finance Director Smith for compiling an uncomplicated, straightforward legal fee summary. A brief discussion was held regarding a former decision of Council to execute traffic violations as municipal civil infractions in order to receive one-third of the fine revenue.

ADJOURNMENT

The meeting adjourned at 9:28 p.m.

Deborah J. Cwiertniewicz, City Clerk

Michael F. Waltz, Mayor

06/02/2016 03:39 PM
User: TF
DB: Mason City

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON
EXP CHECK RUN DATES 06/06/2016 - 06/08/2016
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID
COUNCIL REPORT

MONDAY, JUNE 6, 2016

Vendor Code / Invoice / GL Number	Vendor Name / Invoice Description / GL Description	Amount	
06474	CONSUMERS ENERGY		
JUNE 2016	ELECTRICITY 4/22 - 5/23		
592-555.00-920.000	ELECTRICITY 4/23 - 5/23	7,465.93	
592-559.00-920.000	ELECTRICITY 4/22 - 5/20	7,294.43	
		14,760.36	
		VENDOR TOTAL:	14,760.36
08141	D & S VENTURES		
6/7/2016	FACADE GRANT FOR 772 E MAPLE ST		
248-000.00-955.000	FACADE GRANT FOR 772 E MAPLE ST	5,803.00	
		VENDOR TOTAL:	5,803.00
08031	ED BIRKMEIER WELL DRILLING LTD		
PAY EST 1	WELL 9 PAY ESTIMATE #1		
592-558.00-970.017	WELL 9 PAY ESTIMATE #1	89,379.78	
		VENDOR TOTAL:	89,379.78
08139	GRAND RIVER CONSTRUCTION, INC		
PAY #1	WWTP IMPROVEMENTS PAY APPLICATION #1		
592-555.00-970.000	WWTP IMPROVEMENTS PAY APPLICATION #1	38,900.00	
		VENDOR TOTAL:	38,900.00
05016	GRANGER		
MAY 2016	MAY REFUSE #2321 CUSTOMERS		
101-528.00-818.000	MAY REFUSE #2321 CUSTOMERS	28,455.46	
		VENDOR TOTAL:	28,455.46
05164	INGHAM COUNTY TREASURER		
2016-1	2016 ECONOMIC DEVELOPMENT SERVICES 1/1-12/31/2016		
250-691.00-818.000	ECONOMIC DEVELOPMENT SERVICES 1/1-12/31	10,973.33	
		VENDOR TOTAL:	10,973.33
06205	KEMIRA WATER SOLUTIONS		
9017501367	9.88 DRY TONS FERRIC CHLORIDE		
592-555.00-757.000	9.88 DRY TONS FERRIC CHLORIDE	5,364.44	
		VENDOR TOTAL:	5,364.44
08142	M K & G PROPERTIES, LLC		
6/7/2016	FACADE GRANT FOR 100 EAST ASH ST		
248-000.00-955.000	FACADE GRANT FOR 100 EAST ASH ST	14,137.03	
		VENDOR TOTAL:	14,137.03
05234	MML WORKERS COMPENSATION FUND		
5338204	1ST QUARTER 2016/2017 WORKERS COMP CONTRIBUTION		
101-000.00-128.000	1ST QTR 16/17 WORKERS COMP CONTRIBUTION	17,821.00	
		VENDOR TOTAL:	17,821.00

06/02/2016 03:39 PM
User: TF
DB: Mason City

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON
EXP CHECK RUN DATES 06/06/2016 - 06/08/2016
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID
COUNCIL REPORT

MONDAY, JUNE 6, 2016

Vendor Code / Invoice / GL Number	Vendor Name / Invoice Description / GL Description	Amount	
07550	RIETH-RILEY CONSTRUCTION CO INC		
74011726	MASON STREET SANITARY REPAIR: LABOR, EQUIPMENT, MATERIALS & TRUCK		
592-548.00-970.010	MASON STREET SANITARY REPAIR	6,495.68	
PAY EST #1	2016 STREETS PAY ESTIMATE #1		
202-451.00-970.211	2016 STREETS PAY ESTIMATE #1	95,411.96	
203-451.00-970.211	2016 STREETS PAY ESTIMATE #1	99,008.10	
592-558.00-970.919	2016 STREETS PAY ESTIMATE #1	313,833.87	
592-548.00-965.211	2016 STREETS PAY ESTIMATE #1	46,118.00	
		554,371.93	
	VENDOR TOTAL:		560,867.61
	TOTAL - ALL VENDORS:		786,462.01

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: June 6, 2016 **Agenda Item:** 7C

AGENDA ITEM
Motion: Approval of Street Closure for Movies by Moonlight

EXHIBITS
Special Event Application – Jon Grocki, Dart Investment Centers

STAFF REVIEW
Deborah Cwiertniewicz, City Clerk (Lead)
Don Hanson, Police Sergeant
Kerry Minshall, Fire Chief
Ken Baker, Department of Public Works Director

SUMMARY STATEMENT
Dart Investment Centers sponsored Movies by Moonlight in 2015 and would like to host a series of outdoor movie events this summer. They are requesting the street closure to allow for more seating. Jon Grocki will be present to respond to any questions about the event.

City staff were consulted and there are no concerns nor objections to the event. It is estimated that the total cost to the City for the three events is $776.88.

- Barricades - $ 188.46 (per event)
- One Patrol Officer - $ 70.50 (per event) (9:30 p.m. – 11:30 p.m.)

CITY ADMINISTRATOR'S RECOMMENDED ACTION BY CITY COUNCIL
Motion – Move to approve the street closure of Jefferson Street between Maple and Ash Street for Movies by Moonlight, which will provide seating, on June 24, July 29, and August 19, 2016 from 7:30 p.m. – 11:00 p.m.

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: Dart Investment Centers presents Movies by Moonlight

Event Purpose:
Host a series of outdoor movie events as part of our community outreach.

Sponsoring Organization Information

Legal Business Name: Dart Investment Centers

Address: 368 South Park St.	City: Mason	State/Zip: MI 48854
Mailing Address:	City:	State/Zip:
Telephone: 517 244 4410	Email Address: jgrocki@dartinvestments.com	
Contact Name: Jon Grocki	Title: President	
Telephone:	Email Address:	

Contact Person on Day of Event

Name: Jon Grocki	Title:	
Address: 368 South Park St.	City Mason	State/Zip: MI 48854
Telephone: 517 244 4410	Cell Phone: 517 582 0022	Email Address: jgrocki@dartinvestments.com

Type of Event (Check one)

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

Event Information

Event Location(s):

Mason Courthouse Lawn / Jefferson St. between Maple & Ash

Event Date(s):

June 24th, July 29th, August 19th

Event Hours:
7:30pm - 11:00pm

Date/time for set up: 6:00 pm on day of event

Date/time for clean up: Immediately following completion of event

Describe set up and clean up procedures:

1 small canopy with chairs and table as an information desk. 1 large inflatable screen with a small cart of movie projection equipment - professionally set up and taken down. Several trash recepticles placed throughout the area.

Event Information (continued)

Estimated DAILY attendance: Based on estimated attendance from last year's events, we are anticipating roughly 400 people for each movie.

Describe crowd control plans for this event:

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

A Signature Form must be attached.

We anticipate a positive economic impact for several of Mason's downtown businesses. Businesses offering food-service, in particular, are likely to see increased 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:

Regular use of sidewalks for pedestrian traffic expected.

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:

We are requesting closure of Jefferson St. between Maple and Ash. We anticipate general seating on the courthouse lawn, with additional seating available on Jefferson St. This should provide enough room with better sight-lines for all those attempting to view the movie.

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

7:30pm

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

11:00pm

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?

General parking available throughout town, including City Hall and Dart Bank parking lots, as well as street parking where allowed.

Will music be provided/included during the event? ☑YES ☐ NO Movie Audio only

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: 2
☐ 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:	_____	☑ Tables:	1
☐ Tents:	_____	☐ Rides:	_____
☐ Awnings:	_____	☐ Portable Toilets: (may be required depending on event)	_____
☑ Canopies	1 small		
☐ 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:

Concessions provided by Mason Optomists Club; none provided by Dart Investment Centers.

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.

Power from the North pole on Maple St. and the West pole on Jefferson will be required for use of projection equipment as well as a popcorn machine.

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.

Marquee style banner attached to our canopy.
Dart Investment Center banner attached to table.

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:

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 Dart Investment Centers *(Name of Company)*

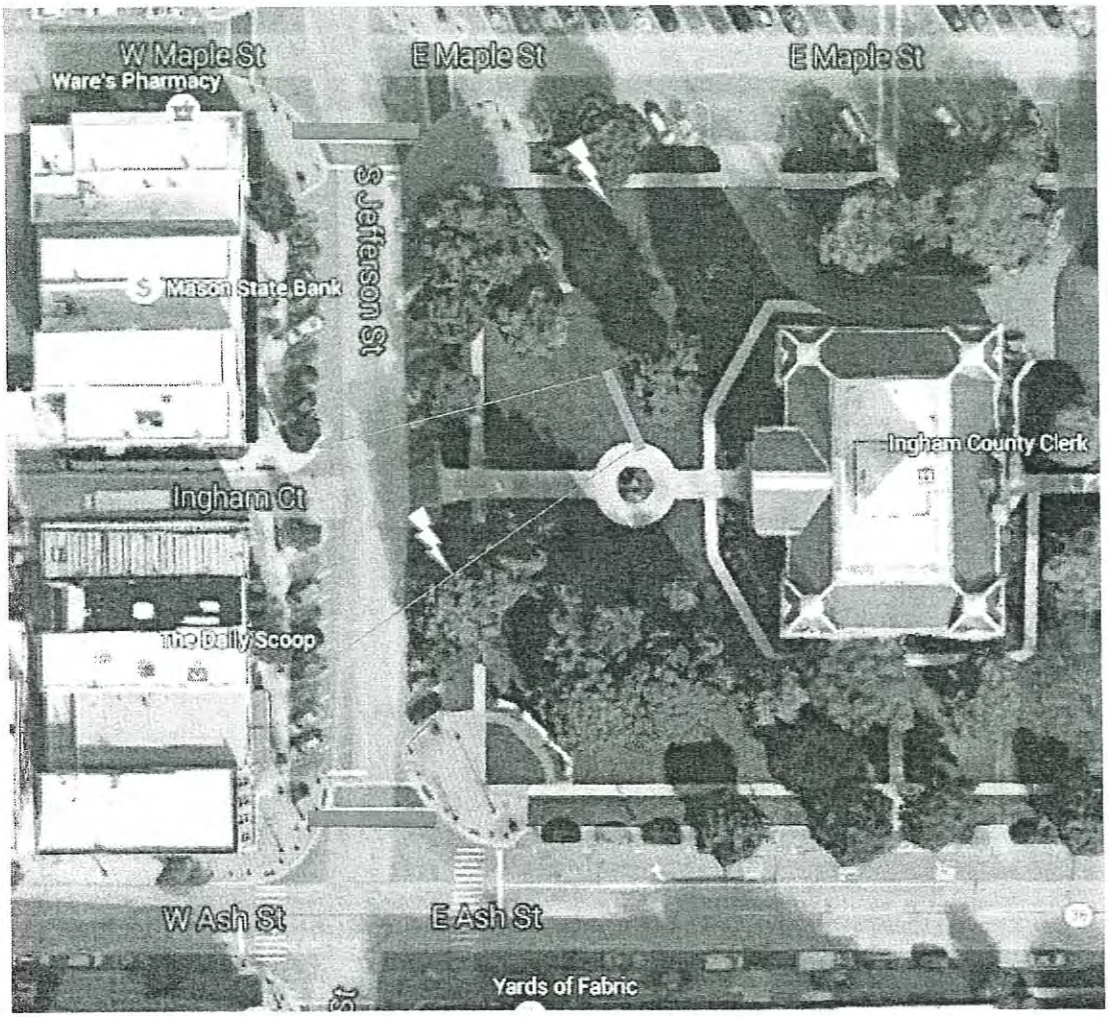
on the 29th *day of* July *~~, 2014,~~* 2016 *to the fullest extent permitted by law, the*

Dart Investment Centers *(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).*

Dart Investment Centers *(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:

Applicant Signature	**Date** 5/4/16
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


W Maple St
Ware's Pharmacy
E Maple St
E Maple St
S Jefferson St
Mason State Bank
Ingham County Clerk
Ingham Ct
The Daily Scoop
W Ash St
E Ash St
Yards of Fabric

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: June 6, 2016 **Agenda Item:** 7D

AGENDA ITEM
Motion: Approval of Street Closure for Relay for Life

EXHIBITS
Special Event Application – Cassanda Puskala, Community Manager for Relay for Life of Mason, American Cancer Society

STAFF REVIEW
Deborah Cwiertniewicz, City Clerk (Lead)
Don Hanson, Police Sergeant
Kerry Minshall, Fire Chief
Ken Baker, Department of Public Works Director

SUMMARY STATEMENT
The annual Relay for Life event will be held Friday, June 17, 5:00 p.m. – Saturday, June 18, 6:00 p.m. Cassanda Puskala, Community Manager for Relay for Life of Mason, has submitted a Special Events Application requesting a street closure for East Maple Street between Jefferson and Barnes Streets to provide space for amplification equipment, an ambulance sitting point, and a dining area. A waiver of the noise ordinance has been requested to allow holding the 10:00 p.m. ceremony and to allow amplified music to be played at a low volume between 10:00 p.m. on Friday and 10:00 a.m. on Saturday to motivate walkers. Ms. Puskala will be present to respond to any questions about the event.

City staff were consulted and there are no concerns nor objections to the event. The estimated cost to the City for the event is $220.41 to set-up/remove barricades and power boxes.

CITY ADMINISTRATOR'S RECOMMENDED ACTION BY CITY COUNCIL
Motion – Move to approve the street closure of Maple Street between Jefferson and Ash Streets to allow holding the Relay for Life event Friday June 17, 5:00 p.m. through Saturday, June 18, 2016, 6:00 p.m.

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: Relay For Life of Mason

Event Purpose: Cancer education, survivor celebration, ACS fundraising

Sponsoring Organization Information

Legal Business Name: American Cancer Society

Address: 1755 Abbey Road | City: East Lansing | State/Zip: MI 48823

Mailing Address: 1755 Abbey Road | City: East lansing | State/Zip: MI 48823

Telephone: 517-664-1404 | Email Address: cassanda.puskala@cancer.org

Contact Name: Cassanda Puskala | Title: Community Manager

Telephone: 517-664-1404 | Email Address: cassanda.puskala@cancer.org

Contact Person on Day of Event

Name: Cassanda Puskala | Title: Community Manager

Address: 1755 Abbey Road | City East lansing | State/Zip: MI 48823

Telephone: 517-664-1404 | Cell Phone: 517-285-5027 | Email Address: cassanda.puskala@cancer.org

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):
Ingham County Courthouse Lawn

Event Date(s):
June 17 & 18, 2016

Event Hours:
5pm on June 17, 2016 until 6pm on June 18, 2016

Date/time for set up: June 17, 2016

Date/time for clean up: June 18, 2016 after 6pm

Describe set up and clean up procedures:
20'x40' tent without stakes will be set on June 17, 2016 along with 15-17 10x10 canopies. A DJ tent, table & speakers. All will be removed by 8pm on Sat. June 18th. Large tent removed morning of June 19th. Garbage prepped for pickup.

Event Information (continued)

Estimated DAILY attendance: 500

Describe crowd control plans for this event:

Activity areas will be clearly marked and staffed at all times by 30+ volunteers. Sidewalk perimeter will be kept clear of obstruction to allow for safe walking.

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

A Signature Form must be attached.

none

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 side walk on the perimeter of the Courthouse lawn will be used as a walking path.

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:

East Maple Street from the west edge of the Courthouse circle drive to just west of the diagonal crosswalk extending across East Maple at the edge of its intersection with S. Barnes Street

*** Streets closed: Date/Time:** June 17, 2016 @ 3pm

*** Streets re-open: Date/Time:** June 18, 2016 @ 8pm

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: 4
- ☐ 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:		☒ Tables:	15
☒ Tents:	1	☐ Rides:	
☐ Awnings:		☒ Portable Toilets: (may be required depending on event)	3
☒ Canopies	16		
☐ 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, <u>describe in detail</u> the types of attractions proposed:

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

(Health department approvals and temporary food license requirements)

Describe:

No concessions. Just wrapped items offered in exchange for donation (baked goods, packaged goods) and a free meal prepared by the Presbyterian Church

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

CP

** 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.

18"x24" yard signs placed around the courthouse lawn

Do you plan to have banners?

☒ **Yes** ☐ **No**

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

We will have vinyl banners attached to the outside of the tents

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)
Has been requested - will forward when available

☐ 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 American Cancer Society ***(Name of Company)***
on the 17/18 ***day of*** June ***, 2016, to the fullest extent permitted by law, the***
American Cancer Society ***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).

American Cancer Society ***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.

Cassanda A. Puskala
By: CASSANDA A PUSKALA

Applicant Signature Cassanda Puskala	**Date** 5/27/2016
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

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: June 6, 2016 **Agenda Item:** 8A

AGENDA ITEM

Resolution – Authorizing an Application to the Ingham County Regional Trails and Parks Millage Fund to Rehabilitate Two Pedestrian Bridges in the City of Mason

EXHIBITS

Resolution

Note: Applications are not attached due to size but are available upon request.

STAFF REVIEW

Deb Stuart, City Administrator

SUMMARY STATEMENT

The City of Mason is eligible to apply for Ingham County Trails and Parks Millage funds for replacement and/or maintenance of regional recreational pedestrian bridges on the Hayhoe Riverwalk Trail. The bridges identified as a priority for the County within Mason due to their condition that have not been completed are 1) north of West Elm Street, and 2) near West South Street. Don Heck, City Engineer from Wolverine Engineers and Surveyors, Inc., has recommended rehabilitating the bridges with the goal of maintaining the quality infrastructure that is already in place instead of a total replacement as recommended by the County's Bridge Study.

The grant application requires a resolution from the City Council to show support for the submission. The estimated cost of the rehabilitation of the two pedestrian bridges over the Sycamore Creek to update them to acceptable safety and design standards with no required match from the local jurisdiction is estimated at $100,000. The City of Mason is making this request with no match.

CITY ADMINISTRATOR'S RECOMMENDED ACTION BY CITY COUNCIL

Motion – Move to approve the resolution supporting the application to the Ingham County Regional Trails and Parks Millage Fund to rehabilitate the two pedestrian bridges in the City of Mason and authorizing the City Administrator to negotiate final terms of the grant agreement consistent with this resolution, if selected for funding.

Introduced:
Seconded:

CITY OF MASON
CITY COUNCIL RESOLUTION

A RESOLUTION AUTHORIZING AN APPLICATION TO THE INGHAM COUNTY REGIONAL TRAILS AND PARKS MILLAGE FUND TO REHABILITATE TWO PEDESTRIAN BRIDGES IN THE CITY OF MASON

June 6, 2016

WHEREAS, the City of Mason is eligible to apply for Ingham County Trails and Parks Millage funds for the purpose of regional recreational amenity maintenance;

WHEREAS, the Ingham County Trails and Parks Comprehensive Report identifies two existing pedestrian bridges on the Hayhoe Riverwalk Trail as eligible for funding, those being: 1) north of West Elm Street and 2) near West South Street;

WHEREAS, the City Engineer has confirmed that the most fiscally prudent step is to rehabilitate the bridges with a goal of maintaining the quality infrastructure that was already in place;

WHEREAS, the rehabilitation of these two bridges is critical to the functionality of the Hayhoe Riverwalk Trail as a major regional connector trail to Delhi and Vevay Townships, as supported by the City's Master Plan and Recreation Plan;

WHEREAS, the City of Mason supports the submission of an application to the Ingham County Regional Trails and Parks Millage Fund for the rehabilitation of two pedestrian bridges over the Sycamore Creek to bring them to acceptable safety and design standards with no required match from the local jurisdiction; and

WHEREAS, the estimated project cost is estimated at $100,000, including both bridges, is requested to be fully funded by the Ingham County Regional Trails and Parks Millage Fund.

NOW THEREFORE BE IT RESOLVED, the City Council hereby authorizes the City Administrators to submit a grant request to the Ingham County Trails and Parks Millage Fund for the rehabilitation of two pedestrian bridges over the Sycamore Creek and negotiate final terms of the grant agreement consistent with this resolution, if selected for funding.

Yes ( )
No ( )

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, June 6, 2016, the original of which is part of the City Council minutes.

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

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: June 6, 2016 **Agenda Item:** 9A

AGENDA ITEMS
Ordinance – Second Reading and Adoption – Mobile Food Vending Regulation Ordinance

EXHIBITS
Proposed Mobile Food Vending Regulation Ordinance with new suggested edits

STAFF REVIEW
David Haywood, Zoning & Development Director

SUMMARY STATEMENT
At the May 16, 2016 City Council meeting many concerns and questions were raised regarding the proposed ordinance. The following is a list of the concerns raised and staff's reaction to each, including recommended amendments to the ordinance to address those concerns:

1. ***Sec. 10-72(b)(2) – Why are we regulating or requiring information about a food truck's cooking methods, menu, etc.?*** The requirement in this subsection is for informational purposes. This subsection is not absolutely necessary, but document's that the vendor is in the business of mobile food vending. Staff is proposing to strike this subsection.

2. ***Sec. 10-72(b)(4) – What does the phrase "hours of operation" mean in this context?*** The phrase "hours of operation" refers to the times and duration that a mobile food vehicle occupies the public right-of-way. Subsection 10-74(i) states that a mobile food vendor vehicle may not be unattended. Section 10-74(j) states that a mobile food vendor may conduct business between the hours of 6am and 2am. Staff recommends amending this section to reference these two sections to clarify "hours of operation" in the context of subsection 10-72(b)(4).

3. ***Sec. 10-73 – This section is unclear. Shouldn't we still require a fee for food trucks on private property as well?*** Staff feels that this section clearly states that a fee is required and of whom. The intent of this section is to give a break to established, tax-paying businesses that want to start a food truck. Staff does not recommend amending this section, unless Council feels strongly that all food trucks should be charged the same fee.

4. ***Sec. 10-74(c) – How does this section address dining areas outside of 10 feet?*** Staff supports striking this reference and prohibiting any seating.

5. ***Sec. 10-74(d) – How do we deal with additional waste that is generated/deposited in cans in front of nearby businesses? How do we deal with this, if it happens?*** Staff supports amending this subsection to require the vendor to provide a trash receptacle and monitor nearby City trash receptacles.

6. ***Sec. 10-74(h) – How many angled parking spaces can a food truck occupy?*** The maximum length of a food truck permitted by Subsection 10-72(b)(2) is 36 feet. Four angled parking spaces are approximately 36 feet. Staff is recommending limiting the number of occupied angled parking spaces to four.

7. ***Sec. 10-74(i) – Who will police/enforce illegal parking?*** Both the City Clerk and the Police Department are authorized to enforce parking regulations as they relate to mobile food vendors. Typically, parking enforcement is conducted by the Police Department, particularly where vehicles are encroaching vehicular travel lanes.

8. ***Sec. 10-74(q) – Does locating in the M-36 right-of-way require a permit from MDOT?*** Yes. Staff has confirmed that MDOT would require a separate permit for use of the M-36 right-of-way. MDOT informed us that the City may permit and regulate mobile food vendors as well. MDOT charges a $90 annual fee for use of right-of-way, including insurance and bonding ($5,000).

9. ***Sunset Provision – Should the ordinance expiration date be extended to 18 months to encompass a full food truck season?*** Staff feels that this is a reasonable extension and is proposing an amendment to extend the expiration date as such.

CITY ADMINISTRATOR'S RECOMMENDED ACTION BY CITY COUNCIL

1. Move to accept the amendments proposed by staff.
2. Move to read for the second time and adopt the Ordinance.

Introduced:	May 16, 2016
First Reading:	May 16, 2016
Second Reading:	_____
Adopted:	_____
Effective:	_____

CITY OF MASON

MOBILE FOOD VENDING REGULATION ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 10 – BUSINESSES – BY ADDING ARTICLE III, MOBILE FOOD VENDORS – WHICH DEFINES MOBILE FOOD VENDORS AND SETS FORTH REQUIREMENTS FOR COMPLIANCE

THE CITY OF MASON ORDAINS:

Chapter 10 of the Mason City Code is hereby amended by adding Article III to establish regulations for mobile food vendors, which amended, article shall read as follows:

ARTICLE III. Mobile Food Vehicle Vending

Section 10-70. Definitions

Mobile food vending means vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a Food Service Establishment under Public Act 92 of 2000, which may include the ancillary sales of branded items consistent with food, such as a tee shirt that bears the name of the organization engaged in Mobile Food Vending.

Mobile food vehicles means any motorized or non-motorized, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served or offered for sale.

Mobile food vendor means any entity engaged in the business of Mobile Food Vending; including individuals operating a food preparation stand, cart or other means of conveyance.

Section 10-71. Scope

The provisions of this article apply to mobile food vehicles engaged in the business of cooking, preparing and distributing food or beverage with or without charge on any public street or a stand open to the street. . This ordinance does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts and stands located on sidewalks.

Section 10-72. License Required

(a) It shall be unlawful for any person, including any religious, charitable or nonprofit organization, to operate within the City a mobile food vehicle without having obtained from the City Clerk a license for that purpose.

(b) A person desiring to operate a mobile food vehicle shall make written application for such license to the City Clerk. The application for a license shall be on forms provided by the City Clerk and shall include the following:

(1) Name, signature, phone number, email contact and business address of the applicant.

~~(2) A description of the preparation methods and food product offered for sale including the intended menu.~~

~~(3)~~(2) Information on the mobile food vehicle to include year, make and model of the vehicle and dimensions, which shall not exceed 36 feet in length, and 9 feet inwidth.

~~(4)~~(3) Information setting forth the proposed hours of operation, as defined in subsections 10-74(i) and (j), area of operations, plans for power access, water supply and wastewater disposal.

~~(5)~~(4) Copies of all necessary license or permits issued by the Ingham County Health Department.

~~(6)~~(5) Insurance coverage.

(c) Proof of General Comprehensive Liability policy with limits of no less than $2 million Combined Single Limit coverage issued by an insurer licensed to do business in this state and which names the City as an additional insured.

(d) Proof of Public Liability and Property Damage motor vehicle policy with limits of no less than $1 million issued by an insurer licensed to do business in this State.

(e) Each mobile food vehicle license shall expire upon the expiration of this ordinance.

(f) A license issued under this ordinance shall not be transferable from person to person.

(g) A license is valid for one vehicle only and shall not be transferred between vehicles.

(h) The license requirement for mobile food vendors shall not apply to vendors associated with special events approved by City Council or private catered events on private property.

Section 10-73. Fees

An application for a permit under this Article shall be accompanied by a fee in the amount established by resolution of the City Council. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. If operating on non-City property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this Article.

Section 10-74. Regulations

(a) No operator of a mobile food vehicle shall park, stand or move a vehicle and conduct business within areas of the city where the license holder has not been authorized to operate.

(b) The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb lawn or sidewalk when parked. No food service shall be provided on the driving lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles.

(c) No mobile food vehicle vendor shall provide ~~any~~ dining area ~~within 10 feet of the mobile food vehicle~~, including but not limited to tables and chairs, booths, stools, benches or stand up counters.

(d) All mobile food vehicle vendors shall offer a waste container for public use, which the vendor shall empty at its own expense. Vendors shall monitor nearby City trash containers for overflow. All trash and garbage originating from the operation of mobile food vehicles, including overflow of the nearby City trash receptacles, shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.

(e) No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the city noise ordinance, including generators. No loud music, other high-decibel sounds, horns, or amplified announcements are allowed.

(f) Signage is only allowed when placed on mobile food vehicles. No separate free-standing signs are permitted.

(g) No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.

(h) Mobile food vehicles when parked on public streets shall be parked in conformance with all applicable parking restrictions, unless otherwise permitted, and shall not hinder the lawful parking or operation of other vehicles, with the exception of parallel parking. Mobile food vehicles may parallel park in angled parking, provided the vehicle occupies no more than four parking spaces~~.~~

(i) A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time. At no time shall a mobile food vehicle be unattended and shall be in the process of setting up, open for business or closing up for the day. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.

(j) A mobile food vendor may conduct business between the hours of 6am and 2am. This restriction shall not apply to Special Event Vendors operating under a separate event permit issued by City Council. A mobile food vendor may not reserve a parking space in advance of occupying the space with a mobile food vehicle.

(k) The issuance of a mobile food vehicle license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder.

(l) A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit parking by a mobile food vehicle until a license has been obtained from the City Clerk.

(m) No mobile food vehicle shall use external signage, bollards, seating or other equipment not contained within the vehicle. When extended, awnings for mobile food vehicles shall have a minimum clearance of 7 feet between the ground level and the lowest point of the awning or support structure.

(n) Any power required for the mobile food vehicle located on a public way shall be self-provided and a mobile food vehicle shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. No power cable or equipment shall be extended at or across any City street, alley or sidewalk.

(o) Mobile food vendors may not operate or sell within a residentially zoned area, except when immediately adjacent to city owned property, including parks and parking lots.

(p) Mobile food vendors may operate in City parks. The hours of operation for mobile food vendors located within City parks shall be limited to park hours.

(q) Mobile food vendors may operate only in areas where brick and mortar business establishments or property owners have not objected to mobile food vendors locating on the street in front of their businesses. The City shall maintain a list of businesses or property owners within the City that object to a mobile food vendor locating within the public right of way immediately in front of their business or property. A local business or property owner may object at any time during the year. Businesses and property owners may not object to mobile food vendors locating on the opposite side of the street. Mobile food vendor permits shall include a copy of said list. The City Clerk shall be allowed 14

days to update and distribute the prohibited locations list to licensees.

Section 10-75. Enforcement

(a) Any license holder operating a mobile food vehicle in violation of any provision of this ordinance or any rules and regulations promulgated by the City shall be subject to a civil fine of $250 per day. Each day of violation shall constitute a separate and distinct offense.

(b) Once a license has been issued it may be revoked, suspended or not renewed by the City Clerk for failure to comply with the provisions of this ordinance and any rules or regulations promulgated by the City.

Section 10-76. 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.

Sunset Provision. The provisions of this ordinance shall expire ~~one year~~18 months from the date the ordinance goes into effect.

Effective Date. 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

_____
Thomas M. Hitch (P25558)
Mason City Attorney

601 Abbot Road, PO Box 2502
East Lansing, MI 48826-2502

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

MEMORANDUM

TO: Mason City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: June 3, 2016

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

1. ***Marcia O'Brien and Richard O'Brien v City of Mason, et al***

I filed my appearance on behalf of the City of Mason on May 27, 2016. An answer was filed on May 30, 2016, on behalf of the City by the attorney hired by the City's insurer. Within the next ten days, I will be scheduling a meeting with that attorney and representatives of the Police Department to review the file and begin the defense of the claim on behalf of the City.

2. ***J & J Properties v City of Mason, et al***

It has taken some time, but the parties have finally received a proposed license agreement as it relates to the land owned by the Jackson-Lansing Railroad Company. The attorneys are in the process of reviewing the license agreement and we are hopeful that this project can be constructed this year. As always, it is extremely difficult to obtain documents from the Railroad, but it is hoped that, with a proposal from the Railroad's general counsel, we will have an agreement with the Railroad soon.

3. **May Police and Court Activity**

In May, there were 19 pretrials and one formal hearing. The formal hearing was a code enforcement matter that took one-half day to try.

Additionally, our office settled another eight cases by phone, so as to eliminate the necessity to appear for the hearing. All of the defendants in those cases were charged with DWLS (driving while license suspended).

With regard to our diversion program, our office is overseeing nine Retail Fraud diversion cases and one Minor in Possession case.

bks

City of Mason

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

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

MEMORANDUM

TO: Honorable Mayor and Council Members

FROM: Deborah Stuart, City Administrator

DATE: June 6, 2016

RE: ITEM 14: City Administrator's Report

Other Updates

- **City Memorial Tree Program:** We have implemented a new policy at City Hall that will honor current and retired City Employees by the planting of one of our budgeted trees when they or a member of their immediate family passes. Our employees are part of the City of Mason family and we know the time and efforts they have put in should be valued. This is just a small way to appreciate them. We started this new tradition with Mel Brown. Les Bruno coordinated the funding for a memorial plaque next to the tree in memorial of Mel's son and grandson. The plaques will always be funded through donations by City employees or others, so there will be no additional cost to the City.
- **Granger:** I have researched other communities and what they pay currently for refuse removal and have determined that it would be beneficial for us to bid the contract, especially if Granger is requesting a multi-year contract. However, in order to meet the timelines for billing, this bidding process needs to occur in January or February. We will continue with Granger this year due to time constraints.
- **Development:** We have received interest in numerous parcels on Temple Street and other properties within the City. To be as transparent as possible to all interested parties, I will be issuing, within the DDA, a notice of sale of property for both the Temple Street properties and the Jefferson property in the next week or two. Any proposed projects will ultimately be evaluated by the City Council.

Construction Update (as of June 3, 2016)

East Street (Rieth Riley):

- No changes in status
- Final/Top course of pavement to be placed later in season

Rogers Street (Rieth Riley):

- Main Line Water Main final connections to be completed
- Storm sewer repairs anticipated to begin June 4
- Gas Main construction underway

E. Oak Street (Rieth Riley):

- Main Line Water Main construction completed
- Gas Main construction underway

Cherry Street (Rieth Riley):

- Main Line Sanitary Sewer Construction completed
- Individual house service construction/connections underway

Equipping of Well Nos. 9 & 10 (Birkmeier Well Drilling):

- Construction underway