

# 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, October 17, 2016 7:30 p.m.

1. Call to Order
2. Roll Call
3. Pledge of Allegiance and Invocation
4. Announcements
5. People from the Floor
6. Consent Agenda
  - A. Approval of Minutes: Regular Council Meeting: October 3, 2016\*
  - B. Approval of Bills in the Amount of \$678,653.24\*
  - C. Approval of Amendments to the 2016-2017 Fiscal Year Budget\*
  - D. Approval of Veterans Day Parade November 11, 2016 Street Closure Request\*
  - E. Approval of Holiday Celebration Lighted Parade November 25, 2016 Street Closure Request\*
7. Regular Business
  - A. Motion – Reschedule or Relocate the November 7, 2016 City Council Meeting Due to the Presidential Election \*
  - B. Resolution- Delegation of the Certain Duties of the Mason Election Commission to the City Clerk or Her/His Designees\*
  - C. Ordinance – Second Reading and Adoption – Amending the Mason City Code by Adding a New Chapter to Add a Post Construction Storm Water Management Chapter; Findings and Ordinance Purpose\*
  - D. Ordinance – Second Reading and Adoption – To Rezone 0.15 Acres of Land Located at 127 N Lansing Street from M-1 Light Manufacturing to R2F Two-Family Residential\*
  - E. Ordinance – Introduce and First Reading – To Rezone 7.31 Acres of Land Located at 652 Hull Road from AG Single Family Residential to C-2 General Commercial by Amending the Use District Map\*
8. Unfinished Business
9. New Business
10. Correspondence
  - A. Monthly Revenue and Expenditure Report\*
  - B. Quarterly Investment Report for Period Ending September 30, 2016\*
  - C. City Attorney’s Report\*
11. Liaison Reports
12. Councilmember Reports
13. Administrator’s Report
14. Adjournment

*\*Indicates an attachment*

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF OCTOBER 3, 2016**

Mayor Waltz called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Councilmember 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

**ANNOUNCEMENTS**

- Mason Kiwanis Club – Blood Drive – St. James Church – October 6, 2016
- Downtown Bike Rack Ribbon Cutting Ceremony – October 5, 2016

**PRESENTATION**

**William I. Tucker IV, Abraham & Gaffney – 2015-2016 Audit**

Mr. William I. Tucker IV, CPA from Abraham & Gaffney, stated that he performed the 2015-2016 audit of the City's records. Mr. Tucker presented the financial statements to Council. He stated that the City would again receive an unqualified opinion, the best opinion that can be given. He added that it is a pleasure to work with the City, Eric Smith, and Michelle Pietsch.

MOTION by Droscha, second by Brown,  
to accept the 2015-2016 Audit and place it on file.

**MOTION APPROVED**

**CONSENT AGENDA**

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

- A. Motion – Approval of Minutes: Regular Council Meeting: September 19, 2016
- B. Approval of Bills in the Amount of \$162,029.25
- C. Resolution – Appointment to Planning Commission by the Mayor

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2016-38  
MAYORAL APPOINTMENT TO THE PLANNING COMMISSION  
October 3, 2016**

**WHEREAS**, "The Mason Planning Commission" was established as prescribed by the Michigan Planning Enabling Act, 2008 PA 33;

**WHEREAS**, the Planning Commission shall have such lawful powers as may be necessary to enable it to promote local planning and otherwise carry out the purposes of the Michigan Planning Enabling Act, 2008 PA 33;

**WHEREAS**, a vacancy occurred on the Planning Commission due to the loss of Commissioner Tim Scott on August 8, 2016, whose term expires on December 31, 2017;

**WHEREAS**, Mr. Mark Howe applied on September 2, 2016 to be considered as a candidate to serve on the Planning Commission;

**WHEREAS**, Mr. Howe is a qualified candidate in good standing.

**BE IT HEREBY RESOLVED**, that the Mayor, with confirmation by the City Council, does hereby

appoint Mark Howe to the Planning Commission of the City to fill the remainder of the unexpired term, commencing October 3, 2016 and expiring on December 31, 2017.

- D. Resolution – Accept Change Order No. 1 of \$824.50 for Alterations to the Mason Fire Department Fire Pumper/Tanker Replacement of Tanker 807

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2016-39  
ACCEPT CHANGE ORDER NO. 1 OF \$824.50 FOR ALTERATIONS  
TO THE MASON FIRE DEPARTMENT FIRE PUMPER/TANKER  
REPLACEMENT OF TANKER 807  
October 3, 2016**

**WHEREAS**, in October of 2015 the Mason City Council approved Resolution 2015-48 to accept a bid of \$349,794.00 to purchase a 3,000 gallon pumper/tanker from Spartan ERV (Emergency Rescue Vehicle) to replace Existing Tanker 807;

**WHEREAS**, the above-mentioned resolution also included a provision to purchase up to \$17,000.00 for necessary accessory equipment bringing the total cost to \$366,794.00;

**WHEREAS**, the Mason Fire Department requested that the two-way radio and arrow stick controller/emergency lights be housed in the console between the two front seats;

**WHEREAS**, adequate room was not available to accommodate this feature;

**WHEREAS**, Spartan ERV was willing to move the arrow stick controller/emergency lights to an overhead console which freed up enough space in the console between the two front seats for the two-way radio; and

**WHEREAS**, the overall cost to make this change was originally \$938.50 but Spartan ERV gave Mason Fire Department a \$159.00 credit which brought the total cost to \$824.50.

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council approves the expenditure as part of the Fiscal Year 2016-2017 budget, with the Change Order No. 1 increase of \$824.50 and authorizes the City Administrator signature authority.

MOTION APPROVED

**REGULAR BUSINESS**

**Ordinance – Introduction and First Reading of Ordinance Amending the Mason City Code by Adding a New Chapter to Add a Post Construction Storm Water Management Chapter; Findings and Ordinance Purpose**

A brief discussion ensued regarding post construction storm water management. Ken Baker was asked to comment on the guidance manual.

MOTION by Droscha, second by Brown,  
to introduce an Ordinance Amending the Mason City Code by Adding a New Chapter to Add a Post Construction Storm Water Management Chapter; Findings and Ordinance Purpose and consider it read for the first time.

MOTION APPROVED

**Ordinance – Introduction and First Reading of Ordinance to Rezone 0.15 Acres of Land Located at 127 North Lansing Street from M-1 Light Manufacturing to R2F Two-Family Residential**

MOTION by Brown, second by Droscha,

to introduce an Ordinance to Rezone 0.15 Acres of Land Located at 127 North Lansing Street from M-1 Light Manufacturing to R2F Two-Family Residential and consider it read for the first time.

MOTION APPROVED

**Resolution – Approval of City Administrator’s Evaluation Process and Evaluation Tool**

Stuart explained the proposed evaluation process and evaluation tool for the City Administrator.

MOTION by Droscha, second by Brown,  
to consider the resolution for Approval of City Administrator’s Evaluation Process  
and Evaluation Tool read.

MOTION APPROVED

Introduced by Ferris and seconded by Mulvany, a resolution for Approval of City Administrator’s  
Evaluation Process and Evaluation Tool.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2016-40  
APPROVAL OF CITY ADMINISTRATOR’S EVALUATION PROCESS  
AND EVALUATION TOOL  
October 3, 2016**

**WHEREAS**, it is the responsibility of the City Administrator to properly administer the affairs of the city and it is the responsibility of the City Council to verify that the City Administrator is performing the duties of the office in a manner consistent with the law and the expectations of the City Council;

**WHEREAS**, in order to establish and maintain an effective relationship between the City Council and the City Administrator, it is essential that the City Council establish an ongoing structured process for evaluating the job performance of the City Administrator in accomplishing the goals of the City Council and in carrying out assigned responsibilities as prescribed by state statute, city charter, city ordinance, and action of the City Council;

**WHEREAS**, a meaningful process for evaluating the job performance of the City Administrator should allow discussion of the strengths and weaknesses of the City Administrator as demonstrated by past actions with the objective of continuous improvement in the effectiveness of job performance, and should allow the City Council and the City Administrator to clarify and refine respective roles, relationships, expectations, and responsibilities, as well as identify specific objectives of the City Council;

**WHEREAS**, an objective and thorough analysis of job performance is a prerequisite for the determination of appropriate and justifiable compensation and benefit levels for the City Administrator;

**NOW THEREFORE, BE IT RESOLVED**, that the City Council shall conduct a formal evaluation of the job performance of the City Administrator on an annual basis and that the City Council shall conduct the formal performance evaluation according to the following process guidelines:

1. The formal performance evaluation shall generally occur during the third and fourth quarter of each calendar year. Although the process is expected to occur on an annual basis, the City Council may initiate an evaluation at any time.
2. The formal performance evaluation process shall be conducted during public meetings unless such evaluation is requested in closed session by the City Administrator pursuant to the Open Meetings Act. If a closed session is requested, all records created as a result of the process shall be exempt from disclosure to the extent provided by law and this resolution.
3. The formal performance evaluation process shall include the attached "City

Administrator Performance Evaluation and Development Form" (Attachment A), as approved by the City Council through this resolution.

4. The formal performance evaluation process shall include the following events which shall occur no later than the day noted:
  - a. First regular City Council meeting in October: The City Administrator shall distribute to each Council member the following documents:
    - i. A blank copy of the "City Administrator Performance Evaluation and Development Form."
    - ii. A copy of the "Employment Contract Between the City Administrator and the City Council."
    - iii. A copy of this resolution.
  - b. By October 31st: Each Council member shall complete the "City Administrator Performance Evaluation and Development Form" (Attachment A) and return completed forms to the Mayor or Mayor Pro Tem.
  - c. Five days prior to the first regular City Council meeting in December: The Mayor or Mayor Pro Tem shall tabulate and summarize the results of the individual Council member evaluations in the form of a composite "City Administrator Performance Evaluation and Development Form" and distribute a copy of the composite form to each Council member and the City Administrator. The Mayor shall return to each Council member the respective individual Council member evaluation form as soon as possible.
  - d. First regular City Council meeting in December: The City Council shall meet with the City Administrator for the purpose of evaluating the job performance of the Administrator. At minimum, the following topics shall constitute the agenda for the evaluation meeting:
    - i. Review and discuss the composite "City Administrator Performance Evaluation and Development Form."
    - ii. Engage in general discussion regarding the job performance of the City Administrator.
    - iii. Discuss specific objectives for the City Administrator for the upcoming twelve months.
    - iv. Discuss revision of the "Employment Contract between the City Administrator and the City Council."
  - e. Second regular City Council meeting in December: The Mayor or Mayor Pro Tem shall prepare and submit for Council approval, or approval with modification, a written summary of the conclusions of the City Council regarding the performance of the City Administrator, including a description of those areas where job performance has been better than expected, a description of those areas where job performance improvement is expected, and any action plans to be supported by the City Council to aid in said improvement. The written summary shall also set forth the specific objectives of the City Administrator for the next twelve months.
  - f. Second regular City Council meeting in December: The Mayor or Mayor Pro Tem may submit to the City Council proposed revisions to the "Employment Contract between the City Administrator and the City Council".
5. Upon approval, the written summary of the conclusions of the City Council regarding the performance of the City Administrator shall be filed, along with the composite "City Administrator Performance Evaluation and Development Form," in the personnel file of the City Administrator.

**BE IT FINALLY RESOLVED**, that this resolution shall nullify and supersede Resolutions 2001-49, 2003-12, 2004-06, and 2005-06 as well as any other process for evaluation of the performance of the city administrator.

**RESOLUTION APPROVED**

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

None.

**CORRESPONDENCE**

All correspondence was distributed. Bruno asked if it was possible to have the City Attorney take action to stop the tax tribunal cases that have been ongoing for a number of years.

**LIAISON REPORT**

No report at this time.

**COUNCILMEMBER REPORT**

No report at this time.

**ADMINISTRATOR'S REPORT**

Stuart informed Council regarding City business. She informed Council that a major motion picture, directed by Kathryn Bigelow, would be shooting scenes downtown tomorrow. Also, Saturday, October 8, is the City of Mason Open House sponsored by the Fire Department, and the trail extension will be presented to Council at their next meeting.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:43 p.m.

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Deborah J. Cwierniewicz, City Clerk

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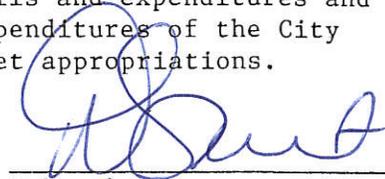
Michael F. Waltz, Mayor

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON  
 EXP CHECK RUN DATES 10/03/2016 - 10/19/2016  
 BOTH JOURNALIZED AND UNJOURNALIZED  
 BOTH OPEN AND PAID  
 COUNCIL REPORT

MONDAY, OCTOBER 17, 2016

Vendor Code Invoice GL Number	Vendor Name Invoice Description GL Description	Amount
07480	ABRAHAM & GAFFNEY, P.C.	
EL-25593 101-101.00-807.000	AUDIT FIELDWORK YEAR ENDING 6/30/2016 AUDIT FIELDWORK YEAR ENDING 6/30/2016	11,900.00
		VENDOR TOTAL: 11,900.00
06474	CONSUMERS ENERGY	
OCT 2016 101-448.00-926.000	SEPT STREET LIGHTING 9/1 - 9/30 SEPT STREET LIGHTING 9/1-9/30	6,689.15
OCT 2016 592-555.00-920.000	ELECTRICITY 8/23 - 9/21 ELECTRICITY 8/23 - 9/21	7,496.25
		VENDOR TOTAL: 14,185.40
08139	GRAND RIVER CONSTRUCTION, INC	
PAY 5 592-555.00-970.000	2016 WASTEWATER TREATMENT PLANT IMPROVEMENTS PAY #5 WASTEWATER TREATMENT PLANT IMPROVEMENTS	393,260.67
		VENDOR TOTAL: 393,260.67
08062	MAULDON BROTHERS CONSTRUCTION	
115754 592-548.00-970.010	EXCAVATING & INSTALLING SEWER TO REMOVE INI EXCAVATE/INSTALL SEWER TO REMOVE INI	8,500.00
		VENDOR TOTAL: 8,500.00
05221	MCGINTY, HITCH, HOUSEFIELD, PERSON,	
OCT 2016 101-266.00-826.000	SEPT LEGAL FEES SEPT LEGAL FEES	8,489.90
		VENDOR TOTAL: 8,489.90
07550	RIETH-RILEY CONSTRUCTION CO INC	
PAY EST #4 203-451.00-970.211 202-451.00-970.211 592-558.00-970.919 202-000.00-211.000 203-000.00-211.000 592-000.00-211.000	2016 STREETS PAY EST 4 2016 STREETS PAY EST 4 2016 STREETS PAY EST 4 2016 STREETS PAY EST 4 2016 STREETS PAY EST 4 RETAINER 2016 STREETS PAY EST 4 RETAINER 2016 STREETS PAY EST 4 RETAINER	3,189.00 115,346.00 75,829.92 7,912.13 8,151.90 31,888.32
		242,317.27
		VENDOR TOTAL: 242,317.27
		TOTAL - ALL VENDORS: 678,653.24

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

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**Meeting Date:** 10/17/2016

**Agenda Item:** 6C

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### **AGENDA ITEM**

Approval of Amendments to the 2016-2017 Fiscal Year Budget

### **EXHIBITS**

Budget Amendment Summary

### **STAFF REVIEW**

Eric Smith, Finance Director/Treasurer

### **SUMMARY STATEMENT**

There are two amendments to approve for the 2016-2017 budget year. Budget amendments are done as needed to show an accurate picture of expenditures and revenue.

The first amendment addresses the City Hall/Fire Department camera system. The camera system was approved for the 2015-2016 budget. Due to time constraints, this system was not completed in the approved budget year, but completed over two budget years. The camera system has been completed in the 2016-2017 budget year. The total amount paid for the camera system is \$40,942.45 of which, \$24,542.45 in 2015-2016 and \$16,400 in 2016-2017. Michigan Municipal Risk Management Authority has approved a grant for half of the amount of the project total in the amount of \$20,471.23.

The second amendment concerns the Riverwalk Trailhead on Jefferson Street. The total project cost is estimated at \$69,458 and was not included in the adopted 2016-2017. Due to time constraints, it was not completed in the previous fiscal year. The trailhead construction was awarded to Reith Reilly Construction in the amount of \$53,245. The City received an 80/20 TAP Grant up to \$50,000 for construction, from the Michigan Department of Transportation (MDOT). Engineering is provided by the City of Mason. The budget amendment includes the grant match City portion of \$10,000 for construction. It also includes \$7,500 for estimated final engineering and \$3,310 for the difference between the estimated and actual construction cost. The City will utilize a portion of the fund balance assigned for grant matching for the City portion of this project. The assigned fund balance for grant matching is \$46,673.

### **CITY ADMINISTRATOR'S RECOMMENDED ACTION BY CITY COUNCIL**

Move to amend the 2016-2017 Fiscal Year Budget as presented.

City of Mason  
Budget Amendments  
2016/2017 Budget

	Account Number	Fund	Account Name	Original Budget	Requested Change	Amended Budget	Date of Approval
1	101-265.00-702.000	GF	Salaries	\$49,500	(\$45,000)	\$4,500	8/15/16
2	101-265.00-715.000	GF	Social Security	\$3,145	(\$2,790)	\$355	8/15/16
3	101-265.00-715.001	GF	Medicare	\$735	(\$650)	\$85	8/15/16
4	101-265.00-716.000	GF	Hospitalization Insurance	\$11,500	(\$11,350)	\$150	8/15/16
5	101-265.00-717.001	GF	Dental Insurance	\$1,565	(\$1,505)	\$60	8/15/16
6	101-265.00-718.000	GF	Retirement/Mers	\$2,945	(\$2,600)	\$345	8/15/16
7	101-265.00-818.000	GF	Contract Services	\$40,905	\$20,000	\$60,905	8/15/16
Reallocation of funds - Building Department							
8	101-305.00-704.000	GF	Part Time - Police	\$32,000	\$15,000	\$47,000	8/15/16
9	101-305.00-715.000	GF	Social Security	\$9,130	\$930	\$10,060	8/15/16
10	101-305.00-715.001	GF	Medicare	\$2,135	\$220	\$2,355	8/15/16
11	101-301.00-657.001	GF	Salvage Vehicle Inspections (Revenue)	\$0	\$4,500	\$4,500	8/15/16
12	101-305.00-805.000	GF	Salvage Vehicle Expense	\$0	\$4,500	\$4,500	8/15/16
Reallocation of funds - Continuation of Code Enforcement in the Police Department							
13	101-272.00-707.000	GF	Part Time	\$31,200	\$7,200	\$38,400	8/15/16
14	101-272.00-715.000	GF	Social Security	\$1,935	\$450	\$2,385	8/15/16
15	101-272.00-715.001	GF	Medicare	\$455	\$105	\$560	8/15/16
Additional part time in Clerk's office				<b>General Fund Total Change</b>	\$187,150	(\$10,990)	\$176,160
16	592-558.00-970.908	WS	Wells	\$40,000	(\$40,000)	\$0	8/15/16
17	592-559.00-970.000	WS	Capital Outlay	\$46,600	\$40,000	\$86,600	8/15/16
Well 8 deferred to allow for the rebuild of two High Service Pumps				<b>Water Sewer Total Change</b>	\$86,600	\$0	\$86,600
18	101-260.00-970.000	GF	Technology	\$15,000	\$16,400	\$31,400	
19	101-260.00-675.007	GF	Grant Contribution	\$0	\$20,472	\$20,472	
City Hall/Fire Dept Camera expense moved to current year							
20	401-000.00.566.000	CI	Contribution from State (Revenue)	\$0	\$39,935	\$39,935	
21	401-000.00.676.101	CI	Contribution from General Fund (Revenue)	\$0	\$20,810	\$20,810	
22	101-756.00-965.401	GF	Contribution to Capital Improvement	\$0	\$20,810	\$20,810	
23	401-000.00.985.010	CI	Capital Improvement - Walking Trail	\$0	\$60,745	\$60,745	
Riverwalk Trailhead on Jefferson Street Construction							

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

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Meeting Date: October 17, 2016

Agenda Item: 6D

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### **AGENDA ITEM**

Approval of Veterans Day Parade November 11, 2016 Street Closure Request

### **EXHIBITS**

Special Event Application- Veterans Day Parade

### **STAFF REVIEW**

Deborah Cwierniewicz, City Clerk (Lead)  
Rob Mentink, Corporal Detective  
Kerry Minshall, Fire Chief  
Ken Baker, Department of Public Works Director

### **SUMMARY STATEMENT**

The annual Veterans Day Parade event is being held by VFW Post #7309 and the Mason American Legion Post #148 to remember the lives sacrificed for our freedom. This event will be held on Friday, November 11, 2016. The parade will assemble in the parking lot of the Mason First Church of the Nazarene at 3:00 p.m. At 3:30 p.m. the parade will proceed west on Maple Street, north on Jefferson Street, east on Ash Street, south on Steele Street, and west on Maple Street, returning to the Nazarene Church parking lot to disassemble.

The applicant is requesting the following street closures: West Maple, South Jefferson, East Ash, and North Steele from 3:00 p.m. until the completion of the parade

Staff review confirmed there are no concerns or objections to the event. The Police Department estimates event costs at \$494.00. The DPW estimated cost for the event at \$215.00. There are no costs related to the Fire Department. The applicant requested a waiver of all costs.

### **CITY ADMINISTRATOR'S RECOMMENDED ACTION BY CITY COUNCIL**

Move to approve the requested Veterans Day Parade street closures and waiver of all fees as submitted.

**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. SUBMITTAL MUST INCLUDE (1) ORIGINAL AND (3) COPIES.

<b>Event</b>		
Event Name: <u>VETERANS DAY PARADE</u>		
Event Purpose: <u>HONOR ALL VETERANS</u>		
<b>Sponsoring Organization Information</b>		
Legal Business Name: <u>VFW 7309 of A.L. 198</u>		
Address: <u>NAZARENE CHURCH</u>	City: <u>MASON</u>	State/Zip: <u>48854</u>
Mailing Address: <u>455 E. MAPLE</u>	City:	State/Zip:
Telephone: <u>(517) 604-6104</u>	Email Address:	
Contact Name: <u>Garry Underwood</u>	Title: <u>CHAIRMAN</u>	
Telephone:	Email Address:	
<b>Contact Person on Day of Event</b>		
Name: <u>(517) 507-1270 Garry Underwood</u>	Title: <u>CHAIRMAN</u>	
Address: <u>542 BEAULIEK DR BOX 3</u>	City: <u>MASON</u>	State/Zip: <u>48857</u>
Telephone:	Cell Phone: <u>(517) 507-1270</u>	Email Address:
<b>Type of Event (Check one)</b>		
<input checked="" type="checkbox"/> City Operated/Sponsored Event	<input type="checkbox"/> Political or Ballot Issue Event	<input type="checkbox"/> Run Event
<input type="checkbox"/> Co-sponsored Event	<input type="checkbox"/> Wedding	<input type="checkbox"/> Other (describe)
<input type="checkbox"/> Non-Profit Event	<input type="checkbox"/> Block Party	
<input type="checkbox"/> For Profit Event	<input type="checkbox"/> Video or Film Production	
<b>Event Information</b>		
Event Location(s): <u>MASON DOWNTOWN</u>		
Event Date(s): <u>11/11/16</u>		
Event Hours:		
Date/time for set up: <u>11/12/16</u>		
Date/time for clean up: <u>AFTER PARADE</u>		
Describe set up and clean up procedures:		

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

*No stakes of any kind allowed in asphalt.*

<u>Item</u>	<u>Quantity</u>	<u>Item</u>	<u>Quantity</u>
<input type="checkbox"/> Booths:	_____	<input type="checkbox"/> Tables:	_____
<input type="checkbox"/> Tents:	_____	<input type="checkbox"/> Rides:	_____
<input type="checkbox"/> Awnings:	_____	<input checked="" type="checkbox"/> Portable Toilets:	<u>2</u>
<input type="checkbox"/> Canopies:	_____	<small>(may be required depending on event)</small>	
<input type="checkbox"/> Rides:	_____	<input type="checkbox"/> 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:**

*Parade*

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

(Health department approvals and temporary food license requirements)

**Describe:**

*open House at VFW 7309*

**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.

ON WAGONS

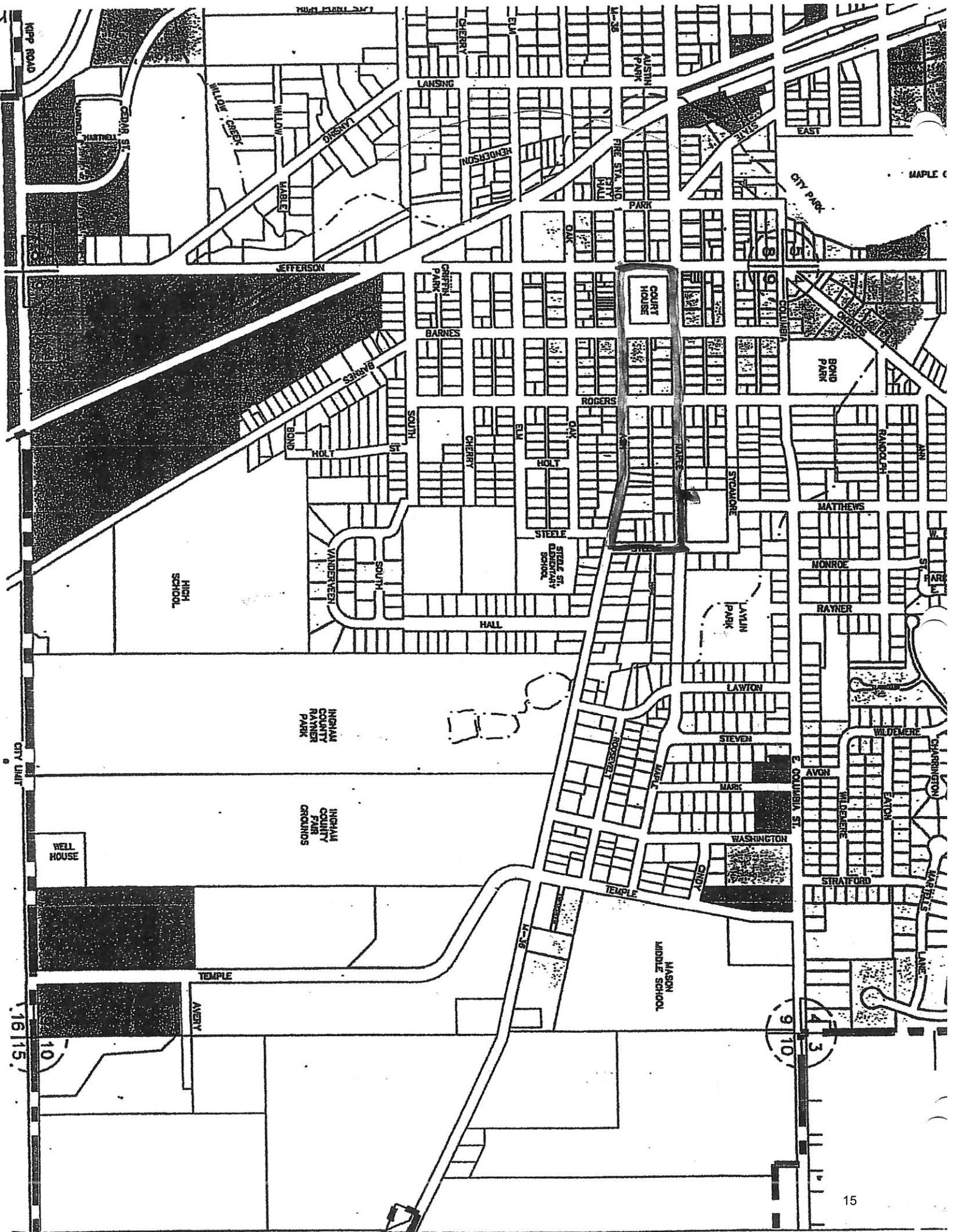
**Application Check List** (failure to provide necessary documentation will delay application review and approval)

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:





KIPP ROAD

CEAR ST

JEFFERSON

BOND

COURT HOUSE

ROGERS

HALL

LARKIN PARK

HIGH SCHOOL

HIGHAM COUNTY RAYER PARK

HIGHAM COUNTY PARK GROUNDS

WELL HOUSE

MASON MIDDLE SCHOOL

TEMPLE

AVERT

CITY PARK

BOND PARK

MATTHEWS

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# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

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**Meeting Date:** October 17, 2016

**Agenda Item:** 6E

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### **AGENDA ITEM**

Approval of Holiday Celebration Lighted Parade November 25, 2016 Street Closure Request

### **EXHIBITS**

Special Event Application- Mason Holiday Celebration Lighted Parade

### **STAFF REVIEW**

Deborah Cwierniewicz, City Clerk (Lead)  
Rob Mentink, Corporal Detective  
Kerry Minshall, Fire Chief  
Ken Baker, Department of Public Works Director

### **SUMMARY STATEMENT**

Doug Klein, MACC Executive Director, submitted a Special Event Application for the Chamber's annual Holiday Celebration Lighted Parade. The Chamber is requesting:

1. Street Closure Request (6:00 p.m. -7:30 p.m.):  
From Bond Park, south on Rogers, west on Ash, north on Jefferson, east on Maple, south on Barnes, dispersing at Columbia.
2. Bond Park Parking Lot Closure:  
5:00 p.m. – 7:00 p.m.
3. Use of City Equipment:  
(10) Trash Receptacles and Traffic Barricades and Cones.
4. Electrical Power:  
Turned on at Christmas tree and temporary power is connected at the pole on Jefferson and Maple streets.

The parade stages at Bond Park and steps off at 6:00 p.m. Staff review confirmed there are no concerns or objections to the event. The Police Department estimated event costs at \$600 and the DPW estimated costs for the event at \$600. There are no costs related to the Fire Department. The applicant requests a waiver of all costs.

### **CITY ADMINISTRATOR'S RECOMMENDED ACTIONS BY CITY COUNCIL**

Move to approve the requested Holiday Celebration Lighted Parade street closures and waiver of all fees as submitted.

**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.

<b>Event</b>		
Event Name: <u>Mason Holidays Celebration Lighted Parade</u>		
Event Purpose:		
<b>Sponsoring Organization Information</b>		
Legal Business Name: <u>Mason Area Chamber of Commerce</u>		
Address: <u>148 E. Ash St</u>	City: <u>Mason</u>	State/Zip: <u>MI 48854</u>
Mailing Address: <u>Same</u>	City:	State/Zip:
Telephone: <u>517-676-1046</u>	Email Address: <u>masonchamber@masonchamber.org</u>	
Contact Name: <u>Doug Klein</u>	Title: <u>Executive Director</u>	
Telephone: <u>517-676-1046</u>	Email Address: <u>masonchamber@masonchamber.org</u>	
<b>Contact Person on Day of Event</b>		
Name: <u>Emily Fenger</u>	Title: <u>Program Assistant</u>	
Address:	City: <u>Mason</u>	State/Zip: <u>MI 48854</u>
Telephone: <u>517-676-1046</u>	Cell Phone: <u>517-525-2732</u>	Email Address: <u>emilyf@masonchamber.org</u>
<b>Type of Event (Check one)</b>		
<input type="checkbox"/> City Operated/Sponsored Event	<input type="checkbox"/> Political or Ballot Issue Event	<input type="checkbox"/> Run Event
<input type="checkbox"/> Co-sponsored Event	<input type="checkbox"/> Wedding	<input type="checkbox"/> Other (describe)
<input checked="" type="checkbox"/> Non-Profit Event	<input type="checkbox"/> Block Party	
<input type="checkbox"/> For Profit Event	<input type="checkbox"/> Video or Film Production	
<b>Event Information</b>		
Event Location(s): <u>Courthouse square</u>		
Event Date(s): <u>Friday, November 25, 2016</u>		
Event Hours:		
Date/time for set up: <u>3:00pm 11/25/16</u>		
Date/time for clean up: <u>8:00pm 11/25/16</u>		
Describe set up and clean up procedures: <u>Setup will be done by volunteers in front of the courthouse Girl Scouts will remove trash at the end of the event</u>		

Will parking lot closures be necessary?  YES  NO

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

Describe parking lot closures:

Bond park for parade staging

\* Parking lot(s) closed: Date/Time: Bond Park 5:15pm 11/25/16

\* Parking lot(s) re-open: Date/Time: Bond Park 7:00 pm 11/25/16

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\*
- Barricades
- Traffic Cones
- Other (describe):

Quantity: 10

Quantity: \_\_\_\_\_

Quantity: enough to block parking on barnes, maple + Jefferson

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

No stakes of any kind allowed in asphalt.

<u>Item</u>	<u>Quantity</u>	<u>Item</u>	<u>Quantity</u>
<input type="checkbox"/> Booths:	_____	<input type="checkbox"/> Tables:	_____
<input type="checkbox"/> Tents:	_____	<input type="checkbox"/> Rides:	_____
<input type="checkbox"/> Awnings:	_____	<input checked="" type="checkbox"/> Portable Toilets:	<u>3</u>
<input checked="" type="checkbox"/> Canopies:	<u>2</u>	(may be required depending on event)	
<input type="checkbox"/> Rides:	_____	<input checked="" type="checkbox"/> Other (describe):	<u>Shevickan auction truck</u>

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:**

A + W and the Optimist club - food cart / truck with their own food license

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.

~~Corner of Maple + Jefferson~~ ~~Maple~~  
Corner of Maple + Jefferson on Courthouse side as well as under the Christmas tree

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, electrical 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 \_\_\_\_\_  
(Name of Company)

on the \_\_\_\_ day of \_\_\_\_\_, 2014, to the fullest extent permitted by law, the

\_\_\_\_\_ 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).**

\_\_\_\_\_ 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**

9/1/14

**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**

April 2014

# 2016 Mason Holidays Light Parade Route



# CITY OF MASON

## STAFF AGENDA REPORT TO THE CITY COUNCIL

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**Meeting Date:** October 17, 2016

**Agenda Item:** 7A

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### **AGENDA ITEM**

Motion – Reschedule or Relocate the November 7, 2016 City Council Meeting Due to the Presidential Election

### **EXHIBITS**

None

### **STAFF REVIEW**

City Administrator

### **SUMMARY STATEMENT**

It has been necessary to cancel, reschedule, or call a special City Council meeting due to repurposing the Council Chambers and community room as polling locations when a Federal, State, county, local, or special election is called due to the preparation required for those events.

A Presidential Election is being held Tuesday, November 8, 2016. It is the recommendation of staff to either:

- Relocate the November 7<sup>th</sup> meeting to the James Pelton Memorial Fire Station;
- Reschedule the November 7<sup>th</sup> meeting to Wednesday, November 9, 2016, at 7:30 p.m.;
- Reschedule the November 7<sup>th</sup> meeting to Monday, November 14, 2016, at 7:30 p.m.; or
- To cancel the November 7<sup>th</sup> City Council meeting.

### **CITY ADMINISTRATOR'S RECOMMENDED ACTIONS BY CITY COUNCIL**

Action at the pleasure of the Council.

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

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**Meeting Date:** October 17, 2016

**Agenda Item:** 7B

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### **AGENDA ITEM**

Resolution – Delegation of the Certain Duties of the Mason Election Commission to the City Clerk or Her/His Designees

### **EXHIBITS**

None.

### **STAFF REVIEW**

Deborah Cwiertniewicz, City Clerk (Lead)  
Tom Hitch, City Attorney

### **SUMMARY STATEMENT**

The City of Mason Election Commission meets prior to every election that is administrated by the City Clerk. The Commission consists of three members: City Clerk, the City Attorney, and one member of the Council, who is currently Mayor Pro Tem Brown.

At its last meeting, it was decided that the duties listed in the City Charter could be delegated to the City Clerk and staff, eliminating the need for members to spend excessive time on matters that could be done administratively, essentially insuring efficiency. The list of tasks is commonly performed by the City Clerk or office staff.

The Commission would be required to continue its responsibility for the appointment of the Election Inspectors, of establishing the Absent Voter Counting Board, and appointment of Receiving Board Election Inspectors for each election.

With Council's approval, the members of the Election Commission request to delegate the following tasks to the City Clerk and her staff:

- Preparing meeting materials for the Election Commission (ballot proof for approval, list of election inspectors for appointment).
- Preparing, printing and delivering ballots.
- Providing candidates and the Secretary of State with proof copies of ballots.
- Providing notice to voters in the case of precinct changes/consolidations.
- Providing election supplies and ballot containers.
- Providing preliminary logic and accuracy testing.
- Notifying major political parties of certified precinct inspector appointments in Federal and State elections.

### **CITY ADMINISTRATOR'S RECOMMENDED ACTION BY CITY COUNCIL**

Move to approve the delegation of the certain duties of the Mason Election Commission to the City Clerk or her/his designees.

Introduced:  
Second:

**CITY OF MASON  
CITY COUNCIL RESOLUTION**

**DELEGATION OF THE CERTAIN DUTIES OF THE MASON ELECTION  
COMMISSION TO THE CITY CLERK OR HER/HIS DESIGNEES**

**October 17, 2016**

**WHEREAS**, the Michigan Election Code, MCL 168.1, *et seq*, establishes the process and procedure of elections within the state of Michigan and, among other items, has provided for the establish of city election commissions within the state of Michigan;

**WHEREAS**, the Mason City Charter, at Section 3.15, has established the Election Commission and set forth its duties as provided for in the Michigan Election Code and the Mason City Charter;

**WHEREAS**, the City Council has determined that it is in the best interest of the City, for reasons of efficiency and reduction in costs, to delegate certain duties of the Mason Election Commission to the Mason City Clerk, and/or her/his deputies; and

**WHEREAS**, the Election Commission may delegate these duties only upon the approval of City Council.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The following duties of Election Commission may be delegated to the City Clerk and/or her [the] deputy clerks for the following election-related tasks:
  - Preparing meeting materials for the Election Commission (ballot proof for approval, list of election inspectors for appointment)
  - Preparing, printing and delivering ballots
  - Providing candidates and the Secretary of State with proof copies of ballots
  - Providing notice to voters in the case of precinct changes/consolidations
  - Providing election supplies and ballot containers
  - Preliminary logic and accuracy testing
  - Notifying major political parties of certified precinct inspector appointments in Federal and State elections
2. The Election Commission may not delegate the right to approve appointment of election inspectors and appointment of the receiving board, as such duties shall remain with the Election Commission.
3. The meetings of the Election Commission shall be open meetings, but the members of the Election Commission may approve or disapprove, or take any other action as

permitted by law, at a meeting, or may be present telephonically, with all actions affirmed and signed by the members of the Election Commission.

Yes

No

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Mason City Council at a public meeting held on October 17, 2016, the original of which is part of the Council's minutes.

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

Drafted by and approved as to form:

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Thomas M. Hitch (P25558)  
Mason City Attorney  
601 Abbot Road, PO Box 2502  
East Lansing, MI 48826-2502

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

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**Meeting Date:** October 17, 2016

**Agenda Item:** 7C

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### **AGENDA ITEM**

Ordinance – Second Reading and Adoption – Amending the Mason City Code by Adding a New Chapter to Add a Post Construction Storm Water Management Chapter; Findings and Ordinance Purpose

### **EXHIBITS**

Proposed Ordinance – with edits

### **STAFF REVIEW**

Ken Baker - Department of Public Works Director (Lead)  
David Haywood - Zoning and Development Director

### **SUMMARY STATEMENT**

This ordinance was introduced and read for the first time by City Council on October 3. Previously, on September 14, 2016, the Planning Commission held a public hearing and reviewed the ordinance for zoning compliance.

As a reminder, this ordinance is the result of the Michigan Department of Environmental Quality's (DEQ) requirement for local jurisdictions that are categorized as "urbanized" to provide treatment of storm water originating from developed areas prior to entering "waters of the state," such as lakes and streams. The concept is that "treatment" will reduce or eliminate contaminants and volumes of water that may be damaging to environmental habitats and/or compromise the health, safety and welfare of human inhabitants.

The only edit since that meeting was Section 52-8(b) to clarify the authority is with the Public Works Director to craft and periodically amend the Post Construction Storm Water Management Guidance Manual, in conjunction and with approval of the Michigan Department of Environmental Quality. With the changes described above, the ordinance is now in form for second reading and adoption. If adopted the ordinance would be effective on November 6, 2016.

### **CITY ADMINISTRATOR'S RECOMMENDED ACTION BY CITY COUNCIL**

1. Amend the ordinance related to Storm Water Management as presented;
2. Consider the ordinance read for the second time; and
3. Adopt the proposed ordinance.

Introduced: October 3, 2016  
First Reading: October 3, 2016  
Second Reading: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_

**CITY OF MASON**  
**POST CONSTRUCTION STORMWATER MANAGEMENT ORDINANCE**

AN ORDINANCE AMENDING THE MASON CITY CODE BY ADDING A NEW CHAPTER TO BE ENTITLED POST CONSTRUCTION STORMWATER MANAGEMENT; TO RECITE FINDINGS AND ORDINANCE PURPOSE; TO DEFINE TERMS; TO ESTABLISH PROCEDURES FOR SUBMISSION AND APPROVAL OF POST CONSTRUCTION STORMWATER MANAGEMENT PLANS AND ESTABLISH CRITERIA FOR SUCH PLANS AND PROJECTS, AND TO DESIGNATE CITY OFFICIALS AND ENTITIES RESPONSIBLE FOR PLAN REVIEW, PROCESSING, AND APPROVALS; TO REQUIRE PERFORMANCE AND MAINTENANCE GUARANTEES AND AGREEMENTS; TO PROVIDE FOR CIVIL FINES, EQUITABLE REMEDIES AND CRIMINAL SANCTIONS AND COSTS FOR VIOLATION OF THIS ORDINANCE, NUISANCE ABATEMENT, COST REIMBURSEMENT TO THE CITY, AND ESTABLISHMENT OF LIENS; TO ESTABLISH AN EFFECTIVE DATE HEREOF; AND TO REQUIRE SITE PLAN REVIEW AND APPROVAL

**THE CITY OF MASON ORDAINS:**

That Section 94-226 be amended at subsection (c) adding item (7) to require a post-construction storm water management concept plan to the listed standards of submittal for final site plan review. When amended Section 94-226 shall read:

**Sec. 94-226. Final site plan review and approval.**

(a) *Final site plan application.* The owner or designated agent shall file an application with the zoning official requesting final site plan review and approval in compliance with section 94-225(a). The application shall be accompanied by the information required in this section and be accompanied by the appropriate fees as established by resolution of the city council.

(b) *Final site plan application requirements.* All applications for final site plan review and approval shall comply with the final site plan submittal standards of subsection 94-226(c).

(c) *Final site plan submittal standards.* It is the intent of this section to establish standards for submittal requirements that are consistent with the level of complexity of a proposed development. Further, it is the intent of this section to provide flexibility for the zoning official and planning commission to require submittal of sufficient information to

evaluate the impact of a proposed development on nearby property and the city at large and to demonstrate compliance with this chapter.

- (1) Any application for final site plan review and approval shall include at minimum all information submitted with the approved preliminary site plan with all changes incorporated that are necessary to comply with the direction of the designated site plan approval body during preliminary site plan review. The applicant may reference or re-use information submitted with the preliminary plan but shall submit an itemized list of such information.
- (2) Drawings and other information submitted for final site plan review and approval shall be sealed or certified by the appropriate professional engineer, architect, landscape architect or planner.
- (3) Any application for final site plan review and approval for a proposal that includes a use specifically listed in subsection 94-225(c) of this chapter shall include detailed construction drawings for water, sanitary sewer, storm sewer and surface drainage plans sealed by a professional engineer registered in the State of Michigan.
- (4) Any application for final site plan review and approval shall include final documents for recording perpetual use of common open space, easements, rights-of-way, and dedications.
- (5) Any application for final site plan review and approval shall include detailed drawings and/or specifications describing road design and construction plans, pavement and sidewalk design and construction plans, lighting plans, and all other construction information necessary to ensure that the project is built as approved and to ensure that the public health, safety, and welfare are protected.
- (6) The applicant may be required to submit, at the sole discretion of the designated site plan approval body, information in a more detailed form for final site plan review and approval than was required for the preliminary site plan.
- (7) Any application for final site plan review and approval shall include post construction storm water management concept plan pursuant to the requirements of Chapter 52.

(d) *Zoning official review.* The zoning official shall have the authority to approve or deny an application for final site plan review and approval as allowed by, and in accordance with, the requirements of section 94-223. Site plan review shall be in accordance with the standards in section 94-227.

(e) *Planning commission review.* The planning commission shall have the authority to approve, approve with conditions, or deny an application for final site plan review and approval. Final site plan review shall follow the procedures for preliminary site plan review in subsection 94-225 and shall be in accordance with the standards in section 94-22

That Chapter 52 – Post Construction Storm Water Management – Sections 52-1, 52-2, 52-3, 52-4, 52-5, 52-6, 52-7, 52-8, 52-9, 52-10, 52-11, 52-12, 52-13, 52-14, 52-15, 52-16, 52-17, 52-18, 52-19, 52-20, 52-21, 52-22, 52-23, 52-24, 52-25, 52-26, 52-27, 52-28, 52-29, 52-30, 52-31, 52-32, 52-33, 52-34, 52-35, and 52-36 be added to the Code of the City of Mason, which Chapter shall read as follows:

## **Chapter 52 – Post Construction Stormwater Management**

### **Section 52-1. Title.**

This ordinance shall be known as the "City of Mason Post Construction Stormwater Management Ordinance."

### **Section 52-2. Findings.**

The City of Mason finds that:

- (1) The constitution and laws of the State of Michigan authorizes local units of government to provide stormwater management services and systems that will contribute to the protection and preservation of the public health, safety, and welfare and to the protection of our natural resources.
- (2) Water bodies, roadways, structures, and other property within and downstream of City of Mason are at times subjected to flooding.
- (3) Land development alters the hydrologic response of watersheds, which may result in increased stormwater runoff rates volumes, and duration, increased flooding, increased stream channel erosion, and increased sediment transport and deposition.
- (4) Stormwater runoff produced as a consequence of land development contributes to increased quantities of water-borne pollutants.
- (5) Increases of stormwater runoff, soil erosion, and nonpoint source pollution have occurred as a result of land development, and have impacted the water resources of the Grand River Watershed.
- (6) Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within the City of Mason will, absent reasonable regulation and control, adversely affect the City of Mason water bodies and water resources, and those of downstream communities.
- (7) Stormwater runoff, soil erosion, and nonpoint source pollution can be controlled and minimized by the regulation of stormwater runoff from development.
- (8) Impervious surfaces allow less water to percolate into the soil, thereby

decreasing groundwater recharge and stream baseflow.

- (9) Adopting the standards, criteria and procedures contained in this ordinance and implementing the same will address many of the deleterious effects of stormwater runoff.
- (10) Substantial economic losses can result from adverse impacts on the waters of the City of Mason and the watershed.
- (11) Improper design and construction of stormwater best management practices (BMPs) can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation.
- (12) The regulation of stormwater runoff discharges from land development activities is necessary in order to control and minimize increases in stormwater runoff rates and volumes, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.
- (13) The regulation of land development by means of stormwater management policy and procedures and effective site planning will produce development that is compatible with the natural functions of the land or an entire watershed and thereby mitigate the adverse effects of excessive stormwater runoff from development.

### **Section 52-3. Purpose.**

(b) The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in the City of Mason and the watersheds to which it drains and to comply with the City's National Pollution Discharge Elimination System (NPDES) permit and other applicable federal and state regulations.

(c) This ordinance seeks to meet that purpose by minimizing the negative impacts of increased stormwater discharges from new land development and redevelopment through the following objectives:

- (1) To minimize increased stormwater runoff rates and volumes from identified land development and redevelopment.
- (2) To minimize nonpoint source pollution.
- (3) To minimize the deterioration of existing watercourses, culverts and bridges, and other structures.
- (4) To encourage water recharge where geologically favorable conditions exists.
- (5) To maintain the ecological integrity of stream channels.
- (6) To minimize the negative impacts of development on downstream channel

stability.

- (7) To preserve and protect water supply facilities and water resources by controlling increased flood discharges, stream erosion, and runoff pollution.
- (8) To reduce the adverse impact of changing land use on water bodies and, to that end, this ordinance establishes minimum standards to protect water bodies from degradation resulting from changing land use where storm water management controls may be insufficient to meet water quantity and quality goals.
- (9) To ensure that storm drains and stormwater BMPs are adequate to address stormwater management needs within a proposed development, and for protecting downstream landowners from flooding and degradation of water quality. The procedures, standards, and recommendations set forth in this Ordinance and the City of Mason's Post Construction Stormwater Management Guidance Manual (Guidance Manual) are designed for these purposes.
- (10) To ensure that all stormwater facilities necessary for a proposed development will have an appropriate governmental unit responsible in perpetuity for performing maintenance or; for overseeing the performance of maintenance by other entities.
- (11) To facilitate the integration of stormwater management and pollution control with other ordinances, programs, policies, and the comprehensive plans of the City of Mason.
- (12) To establish legal authority to carry out all of the inspection and monitoring procedures necessary to ensure compliance with this ordinance.

## **Article II. Definitions**

### **Section 52-4. Definition of Terms.**

The following terms, phrases, words, and derivatives shall have the meaning defined below:

- (1) Applicant. Any person proposing or implementing the development or redevelopment of land.
- (2) BMP or Best Management Practice. A practice, or combination of practices and design criteria that comply with the City of Mason Post Construction Stormwater Management Guidance Manual, the Michigan Department of Environmental Quality's Guidebook of BMPs for
- (3) Michigan Watersheds, the Low Impact Development Manual for Michigan, or equivalent practices and design criteria that accomplish the purposes of this Ordinance (including, but not limited to minimizing stormwater runoff and

preventing the discharge of pollutants into stormwater) as determined by the City of Mason and/or, where appropriate, the standards of the Ingham County Drain Commissioner.

- (4) Channel. A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.
- (5) Conveyance Facility. A storm drain, pipe, swale, or channel.
- (6) Designer. The licensed professional engineer, landscape architect or professional surveyor responsible for the design of the stormwater management plan.
- (7) Detention. A system which is designed to capture stormwater and release it over a given period of time through an outlet structure at a controlled rate. The goals of this BMP are to control peak discharge rates and provide gravity settling of pollutants.
- (8) Developed or Development. The installation or construction of impervious surfaces on a development site that require, pursuant to state law or local ordinance, City of Mason approval of a site plan, site condominium, special land use, planned unit development, rezoning of land, land division approval, private road approval, or other approvals required for the development of land or the erection of buildings or structures. Significant alteration of land topography which increases the rate of water flow or concentration in a manner which increases the likelihood of soil erosion and flooding; provided, however, that for the purposes of this Article only, developed or development shall not include the actual construction of, or an addition, extension, or modification to, an individual single-family or a two-family detached dwelling that disturbs less than one acre.
- (9) Easement. A legal right granted by a landowner to a grantee allowing the use of private land for conveyance or treatment of stormwater runoff and access to stormwater practices.
- (10) Engineered Site Grading Plan. A sealed drawing or plan and accompanying text prepared by a designer which shows alterations of topography, alterations of watercourses, flow directions of stormwater runoff, and proposed stormwater management and measures, having as its purpose to ensure that the objectives of this Ordinance are met.
- (11) Erosion and Sediment Control Plan. Means a plan that is designed to minimize the accelerated erosion and sedimentation runoff at a site during construction.
- (12) Fee in Lieu Contribution. Means a payment of money in place of meeting all or part of the stormwater performance standards required by this ordinance.
- (13) Grading. Any stripping, excavating, filling, or stockpiling of soil or any

combination thereof and the land in its excavated or filled condition.

- (14) Impervious Surface. Surface that does not allow stormwater runoff to slowly percolate into the soil.
- (15) Infiltration. The percolation of water into the ground, expressed in inches per hour.
- (16) Land Disturbing Activity. Means any activity that changes the volume or peak flow discharge of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.
- (17) Maintenance Agreement (Covenant). A binding agreement that establishes the terms, measures, and conditions for the maintenance of stormwater systems and facilities.
- (18) MDEQ. Michigan Department of Environmental Quality.
- (19) National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. Means the permit issued to the City of Mason by the Michigan Department of Natural Resources and Environment for point source discharges of stormwater from municipal separate storm sewer systems.
- (20) Nonpoint Source Pollution. Any source of water pollution that does not meet the legal definition of "point source" in section 502(14) of the Clean Water Act.
- (21) Non-Structural Measure. A stormwater control and treatment technique that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff and/or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site.
- (22) Offsite Facility. All or part of a drainage system that is located partially or completely off the development site which it serves.
- (23) Peak Rate of Discharge. The maximum rate of stormwater flow at a particular location following a storm event, as measured at a given point and time in cubic feet per second (CFS).
- (24) Permanent Stormwater BMP. Means a stormwater best management practice (BMP) that will be operational after the construction phase of a project and that is designed to become a permanent part of the site for the purposes of managing stormwater runoff.
- (25) Plan. Written narratives, specifications, drawings, sketches, written

standards, operating procedures, or any combination of these which contain information pursuant to this Ordinance.

- (26) Post Construction Stormwater Management Concept Plan (Stormwater Plan). Drawings and written information prepared by a designer which describe the way in which accelerated soil erosion and/or stormwater flows from a particular site are proposed to be controlled, both during and after construction, having as its purpose to ensure that the objectives of this Ordinance are met.
- (27) Post Construction Stormwater Management Guidance Manual. A detailed explanation of the policies, procedures and design criteria for complying with the City's Post Construction Stormwater Ordinance.
- (28) Receiving Stream or Channel. The body of water or conveyance into which stormwater runoff is discharged.
- (29) Recharge. The replenishment of underground water reserves through percolation.
- (30) Redevelopment. Means a change to a previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas, and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.
- (31) Responsible Party. Means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock, company, trust, estate, governmental entity, or any other legal entity; or their representatives, agents, or assigns that is named on a storm water maintenance agreement as responsible for long-term operation and maintenance of one or more stormwater BMPs.
- (32) Retention. A holding system for stormwater, either natural or man-made, which does not have a direct outlet to adjoining watercourses or wetlands.
- (33) Runoff. That part of precipitation, which flows over the land.
- (34) Sediment. Mineral or organic particulate matter that has been removed from its site of origin by the processes of soil erosion, is in suspension in water, or is being transported.
- (35) Stormwater BMP. Any facility, structure, channel, area, process or measure which serves to control stormwater runoff in accordance with the purposes and standards of this Ordinance.
- (36) Stream Buffer. An area of land at or near a stream bank, wetland, or water

body that has intrinsic water quality value due to the ecological and biological processes it performs or is otherwise sensitive to changes which may otherwise result in significant degradation to water quality.

- (37) Watercourse. Any natural or manmade waterway or other body of water having reasonably well defined banks. Rivers, streams, creeks, brooks, and channels, whether continually or intermittently flowing, as well as lakes and ponds are watercourses for purposes of stormwater management.
- (38) Watershed. An area of land draining to a common outlet otherwise known as a drainage or catchment area.
- (39) Wetlands. As defined by Michigan's wetland statute, Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

### **Article III. General Provisions**

#### **Section 52-5.Applicability.**

(a) This Post Construction Stormwater Management Ordinance shall be applicable to all land development public or private, including City projects, (new development and redevelopment), including but not limited to, site plan, plot plan and plat applications as well as any grading applications, that meet one or more of the following criteria unless exempt pursuant to Section 52-6:

- (1) Projects that disturb one (1) acre or more.
- (2) Projects less than one (1) acre that are part of a larger common plan of development or sale that would disturb one (1) acre or more.

(b) The procedures and standards set forth in this Post Construction Stormwater Management Ordinance, and the policies, procedures, and design data specified in the City of Mason Post Construction Stormwater Management Guidance Manual (Guidance Manual) provide the minimum standards to be adhered to by developers and shall not be construed to limit the authority of the City of Mason to adopt or publish and/or enforce higher standards as a condition of approval of developments. Copies of the Guidance Manual shall be available to the public at the Mason City Hall. This Ordinance shall be construed as providing minimum standards and should be construed in conjunction with the Guidance Manual. All plans and construction specifications shall be approved by the City of Mason Public Works Director or the designee of the Director, unless the project involves an established County drain. Projects involving an established County drain shall adhere to the requirement of the Ingham County Drain Commissioner.

(c) No site plan, plot plan, or plat disturbing one (1) acre or more shall be approved until that said development or redevelopment meets all of the following:

- (1) Soil erosion and sedimentation control measures consistent with the requirements of the Ingham County Drain Commissioner,
  - (2) Requirements for an approved Post Construction Stormwater Management Concept Plan (Stormwater Plan) as outlined in Article IV of this Ordinance, and
  - (3) Related land development regulations.
- (d) No certificate of occupancy for any building will be issued, unless the applicant for said certificate shall have obtained a certification of completion indicating compliance with all applicable grading plans, specifications, and requirements, this Post Construction Stormwater Management Ordinance and the Guidance Manual.
- (e) For an existing retention or detention basin constructed prior to the effective date of this ordinance, an approved Stormwater Plan must be secured prior to any significant expansion, repair, or maintenance of said basin.

#### **Section 52-6. Exemptions.**

- (a) Notwithstanding the requirements of Section 52-5, a Stormwater Plan shall not be required for activities protected by the Right to Farm Act 93 of 1981, as amended.
- (b) The installation or removal of individual manufactured homes within a manufactured home park. This exemption shall not be construed to apply to the construction, expansion, or modification of a manufactured home park.
- (c) Plats that have received preliminary plat approval and other developments with final land use approval prior to the effective date of this Ordinance, where such approvals remain in effect.
- (d) Any emergency project that is immediately necessary for the protection of life, property, or natural resources.
- (e) Linear construction projects, such as pipeline or utility line installation, that do not result in the installation of any impervious cover, as determined by the Public Works Director.

#### **Section 52-7. Liability.**

Any person who undertakes or causes to be undertaken any land development shall ensure that soil erosion, sedimentation, increased pollutant loads and changed water flow characteristics resulting from the activity are controlled so as to minimize pollution of receiving waters, or erosion of channels connecting thereto. The requirements of this ordinance and other applicable City of Mason ordinances are minimum standards and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize pollution of receiving waters or such erosion to the maximum extent practicable.

## **Section 52-8. Stormwater Enforcement: Powers and Duties of Enforcing Officials.**

(a) The Public Works Director shall administer and enforce this Ordinance, and may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this ordinance and may provide such information in the form of a Guidance Manual.

(b) The City of Mason Post Construction Stormwater Management Guidance Manual (Guidance Manual) may be updated and expanded from time to time, at the discretion of the City Administrator ~~City Council~~ and with approval of the MDEQ based on improvements in engineering, science, monitoring and local maintenance experience.

(c) Representatives of the City shall have the right to enter upon any land for the purposes of making an inspection or acquiring information to determine whether or not the property conforms to the requirements of this ordinance.

## **Article IV. Post Construction Stormwater Management Concept Plan Requirements (Stormwater Plan)**

### **Section 52-9. Pre-application Conference.**

A pre-application conference may be held with the City of Mason Department of Public Works prior to the submittal of a Stormwater Plan and before any alterations to the land. The purpose of the pre-application conference is to provide information about the City of Mason's regulations, plan submittal requirements, and any additional requirements imposed on that site due to downstream restrictions.

### **Section 52-10. Contents of Post Construction Stormwater Management Concept Plan (Stormwater Plan).**

(a) The Stormwater Management Concept Plan (Stormwater Plan) shall utilize to the maximum extent practicable site planning and design techniques that reduce runoff rates, volumes, and pollutant loads. Such techniques include, but are not limited to, minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and distributed practices that intercept and treat runoff from developed areas.

(b) The Stormwater Plan shall be presented as follows:

- (1) Through plans, illustrations, reports, and calculations, the Stormwater Plan shall display the required information specified in the Guidance Manual.
- (2) The Stormwater Plan must be sufficiently detailed to specify the type, location, and size of stormwater management facilities, using preliminary calculations. Detailed construction drawings are not required at the Stormwater Plan review stage.

- (3) If it is proposed to develop a parcel in two or more phases, the Stormwater Plan shall be prepared and submitted for the total project.

(c) Plan Preparation. The Stormwater Plan shall be prepared by a designer in accordance with the requirements outlined in the City of Mason Post Construction Stormwater Management Guidance Manual. Other persons and professionals may assist in the preparation of the plan. All plans shall be properly sealed.

**Section 52-11. Standards for Post Construction Stormwater Management Concept Plan (Stormwater Plan) Approval.**

(a) All developments requiring a Stormwater Plan shall be designed, constructed, and maintained to prevent flooding, minimize stream channel impacts, protect water quality, and achieve the purposes of this Ordinance, as stated above. The City of Mason has adopted performance standards to meet the objectives of managing the quantity and quality of stormwater runoff from a site as detailed below and/or in the Guidance Manual.

(b) Designers may select any combination of stormwater BMPs which meet the performance standards provided the selections:

- (1) Comply with the requirements identified in this Ordinance and the Guidance Manual;
- (2) Comply with all other local, county, state, or federal requirements; and
- (3) Do not conflict with the existing local stormwater management and watershed plans.

(c) The particular facilities and measures required on-site shall take into consideration the natural features, upland areas, wetlands, and watercourses on the site; the potential for on-site and offsite adverse stormwater impacts, water pollution, and erosion; and the size of the site.

(d) The following On-Site Stormwater Management concepts shall be followed:

- (1) Natural topography and site drainage shall be preserved and site grading shall *be* minimized to the maximum extent reasonably achievable considering the nature of the development.
- (2) The preferred conveyance strategy is to transport, wherever possible, untreated and treated runoff in conveyance facilities open to the atmosphere (e.g. swales, vegetated buffer strips, energy-dissipating structures, etc.), rather than through enclosed pipes, so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
- (3) Watercourses shall not be deepened, widened, dredged, cleared of

vegetation, straightened, stabilized, or otherwise altered without applicable permits or approvals from the Public Works Director, relevant county agencies and the applicable State of Michigan Department(s).

- (4) The following channel protection criteria shall be met. There shall be no net increase in runoff rate and volume from storm events up to the two-year, 24-hour event from predevelopment conditions. Specific details for compliance with this requirement are outlined in the City of Mason Guidance Manual.
- (5) The following peak rate/flood control criteria shall be met. The peak discharge rate from all storms up to the 100-year, 24-hour event shall not be greater than predevelopment discharge rates. Where the runoff volume is not increased from the predevelopment condition, the peak rate corresponding to the same storms is considered controlled. If specific watershed conditions require additional peak rate control, the City of Mason may, in its discretion, upon the recommendation of its Public Works Director: a) restrict the peak discharge from the 100-year, 24 hour event to a fixed release rate; or b) require additional runoff volume reduction. Specific details for compliance with this requirement are outlined in the Guidance Manual.
- (6) The following water quality criteria shall be met. Water quality criteria are met when (a) the minimum treatment volume control criteria of one (1) inch of runoff from the entire site is detained and (b) when the following Total Suspended Solids criteria is met:
  - (a) A minimum of 80 percent of Total Suspended Solids has been removed as compared with uncontrolled runoff, or
  - (b) A maximum discharge concentration of TSS not to exceed 80 mg/l is met.

If the required minimum TSS levels are not met by the capture of one inch of runoff from the entire site, then additional treatment methods must be designed to meet the minimum TSS removal requirements. Specific details for compliance with this requirement are outlined in the Guidance Manual.
- (7) Under certain conditions, *the* City of Mason, upon recommendation by the Public Works Director, may impose the following additional restrictions on stormwater discharges:
  - (a) Peak discharge may be further restricted when it can be shown that a probable risk to downstream structures or unique natural areas exists or that existing severe flooding problems could be negatively impacted.
  - (b) Measures may be imposed to protect against ground or surface water pollution where the nature of the soils or bedrock underlying a stormwater management structure constitutes substantial risk of contamination, such as might be the case in limestone formations.

Special provisions to be followed in these cases will be provided by the Public Works Director.

- (c) Where groundwater yields are very low or where a groundwater supply already is heavily used, the City of Mason may require that the entire volume of the two-year, 24-hour rainfall event be retained and infiltrated. If substantial irrigation needs are anticipated, portions of stored stormwater may be reused for irrigation purposes.
- (8) Stormwater "Credits" for Onsite Stormwater Management may be considered in accordance with the provisions provided in the Guidance Manual.

**Section 52-12. Stormwater Management Concept Plan (Stormwater Plan) Submission.**

(a) The Stormwater Plan shall be submitted to the Department of Public Works for review in accordance with the requirements specified in the Guidance Manual, unless site plan review is required, in which case the applicant need only apply to the Planning Commission for site plan review pursuant to Article VII of Chapter 94, Zoning.

(b) The Public Works Director shall forward the Stormwater Plan to the City Engineer for review, unless being reviewed by the Planning Commission in which case the Zoning and Development Director shall forward to the City Engineer.

(c) Compliance with the requirements of this Ordinance does not eliminate the need for the proprietor to obtain required permits and approvals from county and state agencies.

(d) Compliance with the requirements of this Ordinance does not eliminate the need for the proprietor to comply with other applicable City of Mason ordinances and regulations.

**Section 52-13. Stormwater Management Plan Review Procedures.**

(a) If the proposed plan is not sufficient as originally submitted, the Public Works Director, or the designee of the Director, shall notify the applicant in writing, setting forth the reasons for withholding a recommendation for approval.

(b) Planning Commission Review

- (1) The Planning Commission shall apply and incorporate the Department of Public Works' review and approval of the Stormwater Plan prior to proceeding with its formal action on the proposed development or redevelopment.
- (2) If the Planning Commission determines that all of the required information has not been received, the proprietor may request that the matter be tabled to allow for the submittal of the required information.

- (3) If all the required information has been received, the Planning Commission shall approve, approve with conditions, or deny approval of the development/redevelopment and its accompanying Stormwater Plan.
- (4) If the Stormwater Plan is approved, the Planning Commission shall require the following as a condition of approval:
  - (a) Before approval of the final stormwater BMP construction plans, copies of all necessary Wetland, Floodplain, Inland Lakes and Streams, Erosion Control or other needed state, federal, or local permits relating to stormwater management have been provided by the applicant for the City of Mason's files.
  - (b) A satisfactory maintenance agreement in accordance with this ordinance that assures long-term maintenance of all drainage improvements will be in place before approval of the final plan. Documentation of maintenance agreement will be supplied to the Department of Public Works and approved by the Public Works Director.
  - (c) Before approval of the final stormwater BMP construction plans, the applicant will post cash or a letter of credit in an amount not less than 10 percent of the cost of the stormwater facilities for projects of less than \$100,000 or five percent of the cost for projects over \$100,000. This maintenance guarantee will be held for one year after the date of completion of construction and final inspection of the stormwater facilities, or until construction on all phases in the development are completed, whichever time period is longer (see Section 52-28).
  - (d) This deposit will be returned to the applicant (in the case of cash) or allowed to expire (in the case of a letter of credit), as provided above, provided all stormwater facilities are clean, unobstructed, and in good working order, as determined by the Public Works Director.
  - (e) Electronic files (in AutoCAD and pdf format) of the as-built storm drains and stormwater BMPs will be submitted by the applicant or his/her engineer to the Department of Public Works along with the final plan for existing systems, or upon completion of system construction for new systems.
  - (f) Complete development agreements (including deed restrictions) must be submitted for the City of Mason review and approval prior to recording.

#### **Section 52-14. Review Fees.**

The City of Mason City Council shall establish and from time to time may revise application fees and escrow requirements by resolution. Fees and escrow account payments shall be sufficient to cover administrative and technical review costs anticipated to be incurred by the City including the costs of on-site inspections.

### **Section 52-15. Reserved For Future Use.**

### **Section 52-16. Revision of Stormwater Management Plan.**

(a) If it becomes necessary to alter a development or earth change proposal after the Stormwater Plan has been approved, a revised Stormwater Plan must be submitted, reviewed, and approved in accordance with the procedure set forth above. All requirements and standards for a Stormwater Plan shall apply.

(b) If the site plan, subdivision plat, or other earth change plan is revised, then the Stormwater Management Concept Plan shall also be revised and reviewed by the Department of Public Works and/or Planning Commission to ensure continued compliance with all other applicable ordinances

(c) A minor change in the Post Construction Stormwater Management Plan may be approved administratively by the Public Works Director or the Director's designee. For purposes of this section, a "minor change" shall mean a revision that does not relate to the function or intent of applicable standards.

### **Section 52-17. Drains Under the Jurisdiction of the Drain Commissioner.**

(a) Drainage districts will not be altered when designing development drainage, except as provided under Sections 425 or 433 of Act 40, Public Act 1956 as amended.

(b) Existing county drain easements will be indicated on the Stormwater Plan as well as the final stormwater BMP construction plans and will be designated as "Ingham County Drain". County drain easements prior to 1956 were not required by statute to be recorded immediately; therefore, it may be necessary to check the permanent records of the Drain Office to see if a drain easement is in existence on the subject property.

(c) A permit will be obtained from the Ingham County Drain Commissioner's office prior to discharging into, tapping or crossing any county drain. The permit must be obtained prior to final plan approval.

(d) Proposed relocations of county drains will be processed through the office of the Drain Commissioner.

## **Article V. Stormwater Best Management Practices - (Bmp) Construction Plans.**

### **Section 52-18. Submittal, Review and Approval Procedures Requirements.**

(a) The applicant will submit five copies of the stormwater BMP construction plans with a letter of transmittal to the City of Mason Department of Public Works with the final site plan for the development/redevelopment.

(b) The stormwater BMP construction plan submittal shall contain a completed application form provided by the City of Mason; the fee required by Section 52-14; stormwater BMP construction plans that satisfies the requirements of this section and the City's Post Construction Stormwater Management Guidance Manual (Guidance

Manual); a stormwater maintenance plan; and a certification stating that all requirements of the approved plan will be complied with. Failure of the owner to demonstrate that the project meets these requirements, as determined by the City of Mason, shall be reason to deny approval of the stormwater BMP construction plans.

(c) The City of Mason Engineer shall check the stormwater BMP construction plans for consistency with the Post Construction Stormwater Management Concept Plan (Stormwater Plan) and may require a revised Stormwater Plan if substantive changes in the site development proposal have been made.

(d) The Grading and Soil Erosion Sedimentation Control Permit shall be obtained from the appropriate jurisdiction.

(e) The stormwater BMP construction plans shall be prepared in accordance with the provisions provided in this Ordinance.

(f) Construction drawings and engineering specifications shall be subject to review and approval by the City Department of Public Works in order to ensure that the construction plan conforms with the approved Stormwater Plan; that adequate storm drainage will be provided; that the proposed stormwater management system provides adequately for water quantity and quality management; and to ensure protection of property owners and watercourses both within the proposed development and downstream.

(g) The following information is required to be submitted where applicable:

- (1) A grading and soil erosion permit under "The Michigan Soil Erosion and Sedimentation Control Act", P.A. 451, Part 91Public Acts of 1994 as amended, will be obtained from the Ingham County Drain Commissioner prior to any construction.
- (2) For developments that will result in disturbance of five or more acres of land, a complete Notice of Coverage must be submitted to the Michigan Department of Environmental Quality, Water Bureau, to have the discharge deemed authorized under a National Pollutant Discharge Elimination System permit.
- (3) The applicant will make arrangements acceptable to the Department of Public Works for inspection during construction and for final verification of the construction by the designer the City of Mason Engineer prior to approving Certificate of Occupancy.
- (4) Review of final construction plans by the Department of Public Works and the City of Mason Engineer will not proceed until site plan approval has been granted.
- (5) Approval of the stormwater BMP construction plans by the City of Mason is valid for one calendar year. If an extension beyond this period is needed, the applicant will submit a written request to the City of Mason for an extension.

The City may grant one year extensions of the approval, and may require updated or additional information if needed. City action under this provision may be taken administratively provided that no changes to the stormwater BMP construction plans and/or standards have occurred. In the event one or more such changes have occurred, City of Mason action under this provision shall be taken by the final reviewing body. Financial guarantees pursuant to Section 52-13(c){3} and deposits shall remain in place during all such extension periods.

- (6) For site condominiums, complete Master Deed documents (including "Exhibits" drawings) must be submitted for the City's review and approval prior to recording.

(h) No substantive changes shall be made to an approved stormwater BMP construction plan without review and written approval by the City of Mason. The Department of Public Works may request additional data with a plan amendment as may be necessary for a complete review of the stormwater BMP construction plan and to ensure that changes to the plan will comply with the requirements of this ordinance.

(i) The stormwater BMP construction plans shall be prepared by a designer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater BMPs meet the requirements of this ordinance.

(j) The owner shall agree that all land clearing, construction, land development and drainage will be done according to the approved stormwater BMP construction plan.

#### **Section 52-19. As-Built Certification.**

An as-built certification for stormwater BMPs must be provided to the Department of Public Works prior to final approval of the development. The certification shall include all of the requirements noted in the Guidance Manual applicable to the specific project involved.

### **Article VI. Engineered Site Grading Plans.**

#### **Section 52-20. Contents of Engineered Site Grading Plans.**

(a) The Engineered Site Grading and Soil Erosion and Sedimentation Control Plans for a development shall be submitted by the owner to the appropriate County agency.

(b) In addition to the requirements outlined in the Engineered Site Grading Plan shall include the following information:

- (1) The general stormwater management scheme for the proposed development indicating how stormwater management will be provided and where drainage will outlet.

- (2) A description of the off-site outlet and evidence of its adequacy. If no adequate watercourse exists to effectively handle a concentrated flow of water from the proposed development, discharge will be reduced to sheet flow prior to exiting the site, and shall not exceed the allowable outlet rate defined in the Engineering Design Standards. Additional volume controls may be required in such cases and/or acquisition of rights-of-way from downstream property owners receiving the stormwater flow.
- (3) Identification of any on-site and/or off-site stormwater management facilities and appropriate easements, granted to the entity that will be responsible for future maintenance.
- (4) Any drainage originating outside of the development limits that flows onto or across the development. (In general, drainage from off-site shall not be passed through on-site stormwater BMPs).
- (5) Any natural watercourses, the City of Mason and County drains that traverse or about the property.

#### **Section 52-20. Grading Plan Review Procedures and Standards.**

(a) The following standards shall be met by the applicant:

- (1) The increased volume of water discharged from a development shall not create adverse impacts to downstream property owners, wetlands and watercourses (e.g., flooding; excessive soil saturation; crop damage; erosion; degradation in water quality or habitat).
- (2) Natural topography and site drainage shall be preserved and site grading shall be minimized to the maximum extent reasonably achievable considering the nature of the development.
- (3) Watercourses shall not be deepened, widened, dredged, cleared of vegetation, straightened, stabilized, or otherwise altered without applicable permits or approvals from the City of Mason, relevant county agencies and the applicable State of Michigan Department(s).

(b) Review procedures:

- (1) Engineered Site Grading Plans shall be subject to review and approval by the Public Works Director or his/her designee(s) to assure compliance with this Ordinance.
- (2) Engineered Site Grading Plans shall be reviewed and approved by the Public Works Director or his/her designee prior to the issuance of a building permit.
- (3) Construction Plans shall be reviewed by the Department of Public Works to ensure that the construction plan conforms to the approved Post Construction

## Stormwater Management Concept Plan.

### **Article VII. Construction & Maintenance Inspection for Permanent Stormwater Management BMPs**

#### **Section 52-21. Notice of Construction Commencement.**

The applicant must notify the City of Mason Department of Public Works before the commencement of construction. In addition, the applicant must notify the City of Mason Department of Public Works in advance of construction of critical components of the stormwater practices shown on the approved stormwater BMP construction plans. The City may, at its discretion, issue verbal or written authorization to proceed with critical construction steps, such as installation of permanent stormwater BMPs based on stabilization of the drainage area and other factors.

#### **Section 52-22. Construction Inspections by City of Mason or its Representatives.**

The City of Mason Department of Public Works or its representatives may conduct periodic inspections of the stormwater practices shown on the approved stormwater BMP construction plan, and especially during critical installation and stabilization steps. All inspections shall be documented in writing. The inspection shall document any variations or discrepancies from the approved plan, and the resolution of such issues. Additional information regarding inspections can be found in the City of Mason's Stormwater Management Guidance Manual. A final inspection by the City of Mason is required before any construction performance bond or guarantee, or portion thereof, shall be released.

#### **Section 52-23. Maintenance Inspections.**

The City of Mason Department of Public Works or its representatives may conduct periodic inspections for all stormwater practices constructed as part of the approved BMP construction plans. All inspections will be documented in writing. The inspection shall document maintenance and repair needs and discrepancies from the stormwater maintenance agreement and stormwater maintenance plans. Failure to list a defect shall not relieve the owner of requirements for compliance with applicable regulations.

### **Article VIII. Performance Guarantees, Easements, and Maintenance.**

#### **Section 52-24. Applicability of Requirements.**

Requirements of this Article concerning performance guarantees, easements, and maintenance agreements shall apply to owners required to submit a Post Construction Stormwater Management Concept Plan (Stormwater Plan) to the City of Mason for review and approval.

#### **Section 52-25. Performance Guarantees.**

(a) The applicant shall post an acceptable construction performance bond or irrevocable letter of credit or cash to guarantee compliance with standard construction

practices and laws, and also with construction requirements of approved facility specific BMPs. The construction performance bond shall be in the amount of 100% of the cost of constructing the treatment train or system components. Required construction performance bonds shall be provided to the City of Mason after the Stormwater Plan, but prior to the final approval of the stormwater BMP construction plans and initiation of any earth change.

(b) After determination by the Public Works Director that all facilities are completed in compliance with the approved Stormwater Plan and the stormwater BMP construction plans, the posted construction performance bond remaining shall be released.

### **Section 52-26. Stormwater Management Easements.**

(a) Necessity of Easements for On-site Stormwater BMPs: Stormwater management easements shall be provided in a form required by the City of Mason and the City Attorney (see Guidance Manual), and recorded as directed as part of the approval of the City of Mason to assure access for inspections; (ii) access to stormwater BMPs for maintenance purposes; and (iii) preservation of primary and secondary drainageways which are needed to serve stormwater management needs of other properties.

(b) Easements for Off-site Stormwater BMPs: The owner shall obtain easements assuring use of and access to all areas used for off-site stormwater management, including undeveloped or undisturbed lands.

(c) Recording of Easements: Easements required by this article shall run with the land and shall be recorded with the County Register of Deeds according to county requirements.

(d) Recording Prior to Building Permit Issuance: The applicant must provide the City Clerk with evidence of the recording of the easement prior to final subdivision plat or condominium approval or other applicable final construction approval.

(e) Right-of-Entry: The easements must contain a provision granting the City of Mason and its representatives the right of entry for the purposes of conducting periodic inspections of stormwater BMPs at reasonable times and in a reasonable manner. In addition, such easements shall be deemed to include the right to enter a property when the City of Mason has a reasonable basis to believe that a violation of this Ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Ordinance.

### **Section 52-27. Maintenance Bond.**

(a) A maintenance bond shall be provided to the City of Mason.

(b) The maintenance bond shall be provided for a period of one year after the date of completion of construction and final inspection of the stormwater facilities, or until construction on all phases in the development are completed, whichever time period is longer.

## **Section 52-28. Maintenance Agreement.**

(a) Purpose of Maintenance Agreement: The purpose of the maintenance agreement is to provide the means and assurance that maintenance of stormwater BMPs shall be undertaken.

### **(b) Responsible Party**

- (1) The responsible party named in the recorded stormwater maintenance agreement shall maintain in good condition and promptly repair and restore all structural and non-structural stormwater BMPs and all necessary access routes and appurtenances. Such repairs or restoration and maintenance shall be in accordance with the approved storm water management design plan, the stormwater maintenance agreement, and the stormwater maintenance plan.
- (2) The responsible party shall make records of installation and of all maintenance and repairs, and shall retain the records for at least five (5) years. These records shall be made available to the City of Mason during inspection of the practice and at other reasonable times upon request.

### **(c) Maintenance Agreement Required**

- (1) A maintenance agreement shall be submitted to the City of Mason, for review by the Public Works Director and his/her designee and the City Attorney, for all development, and shall be subject to approval in accordance with the Stormwater Plan. A formal Maintenance Plan shall be included in the maintenance agreement.
- (2) Maintenance agreements shall be approved by the City Administrator prior to final subdivision plat or condominium approval, as applicable, and prior to construction approval in other cases.
- (3) A maintenance agreement is not required to be submitted to the City of Mason for drains that will be maintained by the County Drain Commissioner.

### **(d) Maintenance Agreement Provisions**

- (1) The maintenance agreement shall include a plan for routine, emergency, and long-term maintenance of all stormwater BMPs, with a detailed annual estimated budget for the initial three years, and a clear statement that, except for maintenance required as a result of an emergency, only future maintenance activities in accordance with the maintenance agreement plan shall be permitted without the necessity of securing new permits. Written notice of the intent to proceed with non-routine maintenance shall be provided by the party responsible for maintenance to the City of Mason Department of Public Works at least 14 days in advance of commencing work. The property owner shall give the City of Mason a certification annually that the required maintenance has been completed.

- (2) The maintenance agreement shall be binding on all subsequent owners of land served by the stormwater BMPs and shall be recorded in the office of the County Register of Deeds prior to the effectiveness of the approval of the City Administrator.
- (3) If it has been found by the City Administrator, following notice and an opportunity to be heard by the property owner, that there has been a material failure or refusal to undertake maintenance as required under this ordinance and/or as required in the approved maintenance agreement as required hereunder, the Public Works Director shall then be authorized, but not required, to hire an entity with qualifications and experience in the subject matter to undertake the monitoring and maintenance as so required, in which event the property owner shall be obligated to advance or reimburse payment (as determined by the City of Mason) for all costs and expenses associated with such monitoring and maintenance, together with a reasonable administrative fees. The maintenance agreement required under this Ordinance shall contain a provision spelling out this requirement and, if the applicant objects in any respect to such provision or the underlying rights and obligations, such objection shall be resolved prior to the commencement of construction of the proposed development on the property.

## **Article IX. Severability**

### **Section 52-29. Reserved For Future Use.**

### **Section 52-30. Sanctions for Violations.**

(a) Any person violating any provision of this ordinance shall be responsible for a municipal civil infraction and subject to a fine for a first offense and enhanced fines for subsequent offense(s), plus costs, damages, expenses, and other sanctions authorized by the Mason City Code and Chapter 82-291 and other applicable laws, including, without limitation, equitable relief. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this ordinance.

For purposes of this section, "subsequent offense" means a violation of the provisions of this ordinance committed by the same person within 12 months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible.

The City of Mason is authorized to issue municipal civil infraction citations to any person alleged to be violating any provision of this Ordinance.

(b) Any person who neglects or fails to comply with a stop work order issued under this ordinance shall, upon conviction, be guilty of a misdemeanor, punishable by a fine

of not more than \$2,500 *per day* or imprisonment in the county jail for not more than 93 days, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court.

(c) Any person who aids or abets a person in a violation of this ordinance shall be subject to the sanctions provided in this section.

#### **Section 52-31. Stop Work Order.**

(a) Unless otherwise specified, any person violating any provision of this Ordinance shall be responsible for a municipal civil infraction and subject to a fine or fines provided by Chapter 82-291, of the Code of the City of Mason, including equitable remedies to enjoin such conduct.

(b) Any person who neglects or fails to comply with a stop work notice or order issued under this ordinance shall be guilty of a misdemeanor punishable as provided in Chapter 82-291 of the Code of the City of Mason.

(c) Any person who aids or abets a person in violation of this ordinance shall be subject to the sanctions provided in this section.

#### **Section 52-32. Failure to Comply; Completion.**

In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the City of Mason may, after the giving of reasonable notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the City for all costs of such work, and the amount thereof, if unpaid, may be placed as a lien against the property and collected at the time and by the method available for collection of property taxes.

#### **Section 52-33. Emergency Measures.**

When emergency measures are necessary to abate or moderate a nuisance, to protect public safety, health and welfare, and/or to prevent loss of life, injury or damage to property, the City of Mason is authorized to carry out or arrange for all such emergency measures, including the obtaining of injunctive relief. Property owners shall be responsible for the cost of such measures made necessary as a result of a violation of this Ordinance, and shall promptly reimburse the City for all such costs.

#### **Section 52-34. Cost Recovery for Damage to Storm Drain System.**

A discharger shall be liable for all costs incurred by the City of Mason as the result of causing a discharge that produces a deposit or obstruction, or causes damage to, or impairs a storm drain or receiving waters, or violates any of the provisions of this Ordinance. Costs include, but are not limited to, those penalties levied by the Environmental Protection Agency or Michigan Department of Environmental Quality for violation of an NPDES permit, actual attorney fees, and other costs and expenses.

#### **Section 52-35. Collection of Costs; Lien.**

Costs incurred by the City of Mason and the Drain Commissioner pursuant to this ordinance shall be a lien on the premises which shall be enforceable in accordance with Act No. 94 of the Public Acts of 1933, as amended from time to time. Any such charges which are delinquent for six (6) months or more may be certified annually to the City of Mason Treasurer who shall enter the lien on the next tax roll against the premises and the costs shall be collected and the lien shall be enforced in the same manner as provided for in the collection of truces assessed upon the roll and the enforcement of a lien for taxes. In addition to any other lawful enforcement methods, the City or the Drain Commissioner shall have all remedies authorized by Act No. 94 of the Public Acts of 1933, as amended.

**Section 52-36. Effect of Approval on Remedies.**

The approval or disapproval of any Post Construction Stormwater Management Concept Plan shall not have any effect on any remedy which may be available to any person at law or in equity.

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. Cwierniewicz, City Clerk

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

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**Meeting Date:** October 17, 2016

**Agenda Item:** 7D

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### **AGENDA ITEM**

Ordinance – Second Reading and Adoption – To Rezone 0.15 Acres of Land Located at 127 N Lansing Street from M-1 Light Manufacturing to R2F Two-Family Residential

### **EXHIBITS**

Proposed Ordinance  
Map of Rezoning Area  
Planning Commission Resolution No. 2016-08

### **STAFF REVIEW**

David Haywood - Zoning & Development Director

### **SUMMARY STATEMENT**

Property owner Thomas Gistingner applied to the Planning Commission to rezone his property at 127 North Lansing Street. The current use of the land is single-family residential. The current zoning, M-1 Light Manufacturing, makes the residential use of the land non-conforming. The purpose of Mr. Gistingner's request is to return the land use status of the property to conforming and make it easier for prospective buyers to receive financing.

On September 13, 2016, the Planning Commission adopted Resolution No. 2016-08 recommending the City Council rezone the subject property from M-1 Light Manufacturing to R2F Two-Family Residential. R2F is the predominant zoning district in the adjacent residential neighborhood. The Planning Commission found the request to be consistent with the standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance:

1. That the request to rezone the property is consistent with the Future Land Use Map of the Master Plan;
2. That the subject property is currently served by the necessary public utilities;
3. That there are no significant negative environmental impacts related to the rezoning request; and
4. That the land uses permitted in the R2F (Two-Family Residential) zoning district will not adversely affect the value of the surrounding property.

At the October 3, 2016 City Council meeting, the ordinance was introduced and read for the first time. The ordinance is now being presented for the second reading and adoption. If adopted the ordinance would be effective on November 6, 2016.

### **CITY ADMINISTRATOR'S RECOMMENDED ACTION BY CITY COUNCIL**

1. Consider the ordinance related to the rezoning of 127 North Lansing Street read for the second time; and
2. Adopt the ordinance.

Introduced: October 3, 2016  
First Reading: October 3, 2016  
Second Reading: \_\_\_\_\_  
Adoption: \_\_\_\_\_  
Effective: \_\_\_\_\_

**CITY OF MASON  
ORDINANCE**

**AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 0.15 ACRES OF LAND LOCATED AT 127 NORTH LANSING STREET FROM M-1 LIGHT MANUFACTURING TO R2F TWO-FAMILY RESIDENTIAL**

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended to rezone the following property from M-1 Light Manufacturing to R2F Two-Family Residential:

Lot 17 Block 4 Smith and Pease Addition, Sec 5, T2NR1W, City of Mason, Ingham Co; and

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the Planning Commission, at its August 9, 2016, meeting adopted Resolution No. 2016-\_\_ recommending adoption of this ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the municipal water, sanitary sewer and storm sewer currently serves and are adequate for the site considering the proposed zoning district; and

THE CITY OF MASON FURTHER ORDAINS: That the official zoning map shall be marked evidencing this change, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached, and

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

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

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

The foregoing Ordinance was moved for adoption by Council Member \_\_\_\_ and seconded by Council Member \_\_\_\_ with a vote thereon being: YES ( ) NO ( ), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the \_\_ day of \_\_\_\_, 2016.

Ordinance No. \_\_\_\_ declared adopted this \_\_ day of \_\_\_\_, 2016.

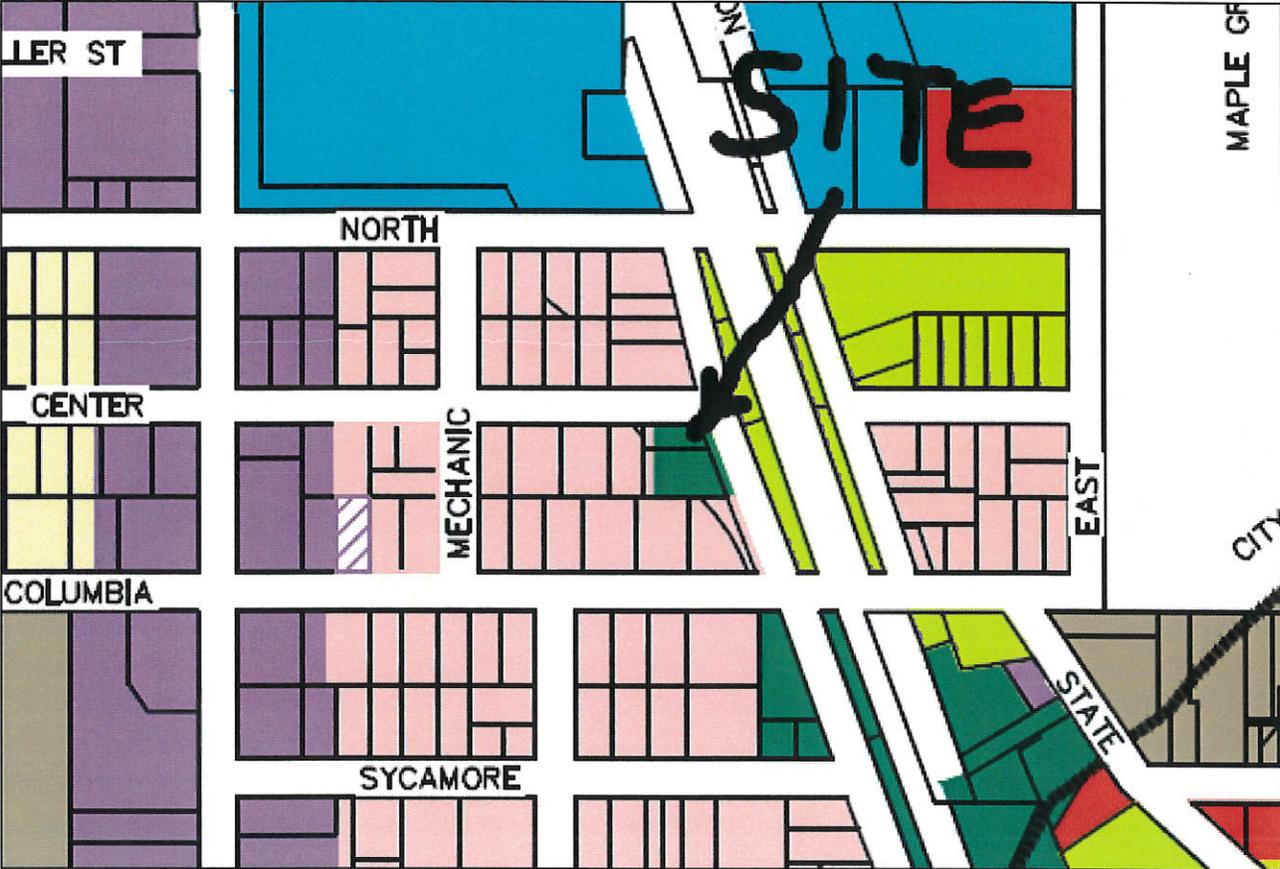
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Mike Waltz, Mayor

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Deborah J. Cwierniewicz, City Clerk

127 N. Lansing St.



**CITY OF MASON  
PLANNING COMMISSION RESOLUTION NO. 2016-08**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN  
ORDINANCE TO REZONE THE PROPERTY LOCATED AT 127 NORTH  
LANSING STREET FROM M-1 LIGHT MANUFACTURING TO R2F TWO-  
FAMILY RESIDENTIAL**

**September 13, 2016**

**WHEREAS**, a rezoning request has been received from Thomas Gisting to rezone 127 North Lansing Street (Parcel # 33-19-10-05-457-017); and

**WHEREAS**, the area subject to rezoning is legally described as: Lot 17 Block 4 Smith and Pease Addition, Sec 5, T2NR1W, City of Mason, Ingham Co; and

**WHEREAS**, The request to rezone is consistent with the standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance, based on the following findings of fact:

1. That the request to rezone the property is consistent with the Future Land Use Map of the Master Plan.
2. That the subject property is currently served by the necessary public utilities.
3. That there are no significant negative environmental impacts related to the rezoning request.
4. That the land uses permitted in the R2F (Two-Family Residential) zoning district will not adversely affect the value of the surrounding property; and

**NOW THEREFORE BE IT RESOLVED**, that the City of Mason Planning Commission does hereby recommend that the City Council adopt an ordinance to rezone 0.15 acres of land as described from M-1 Light Manufacturing to R2F Two-Family Residential.

Yes (8) Barna, Brown, Hude, Fischer, Reeser, Sabbadin, Waxman  
No (0)

Mason, MI

# CITY OF MASON

## STAFF AGENDA REPORT TO CITY COUNCIL

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**Meeting Date:** October 17, 2016

**Agenda Item:** 7E

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### **AGENDA ITEM**

Ordinance – Introduce and First Reading – To Rezone 7.31 Acres of Land Located at 652 Hull Road from AG Single Family Residential to C-2 General Commercial by Amending the Use District Map

### **EXHIBITS**

Proposed Ordinance  
Planning Commission Resolution No. 2016-11  
Map of Rezoning Area

### **STAFF REVIEW**

David Haywood - Zoning & Development Director

### **SUMMARY STATEMENT**

Goodwill Industries of Michigan's Heartland Inc. applied to the Planning Commission to rezone the property at 652 Hull Road. The former use of the property was the Frederick farm, which was demolished in 2010. The applicant is seeking the C-2 zoning district in preparation for a new Goodwill retail store.

On October 11, 2016, the Planning Commission adopted Resolution No. 2016-11 recommending the City Council adopt an ordinance to rezone 7.31 acres of land from AG Single Family Agricultural to C-2 General Commercial. The Planning Commission felt the request to rezone is consistent with the standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance, based on the following findings of fact:

1. That the request to rezone the property is consistent with the Future Land Use Map of the Master Plan.
2. That the subject property can be reasonably served by the necessary public utilities.
3. That there are no significant negative environmental impacts related to the rezoning request.
4. That the land uses permitted in the C-2 (General Commercial) zoning district will not adversely affect the value of the surrounding property.

At the recommendation of the Planning Commission, this ordinance is in form for introduction and first reading with a final adoption dependent on the scheduling of the November meeting.

### **CITY ADMINISTRATOR'S RECOMMENDED ACTION BY CITY COUNCIL**

Move to introduce the proposed ordinance related to the rezoning of 652 Hull Road and read it for the first time.

Introduced: \_\_\_\_\_  
First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Adoption: \_\_\_\_\_  
Effective: \_\_\_\_\_

**CITY OF MASON  
ORDINANCE**

**AN ORDINANCE TO AMEND THE USE DISTRICT MAP,  
AS ADOPTED PURSUANT TO SECTION 94-62 OF THE  
MASON CODE, TO REZONE 7.31 ACRES OF LAND  
LOCATED AT 652 HULL ROAD FROM AG SINGLE  
FAMILY RESIDENTIAL TO C-2 GENERAL COMMERCIAL**

THE CITY OF MASON ORDAINS: The zoning map of the City of Mason adopted by Section 94-62 of Chapter 94 of the Mason City Code, being the zoning code of the City of Mason, is hereby amended to rezone the following property from AG Single Family Residential to C-2 General Commercial:

All that part of the southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section 17, T2N, R1W, City of Mason, Ingham County, Michigan, lying east of highway US-127 right-of-way, except the south 430 feet thereof and also except the north 150 feet of the east 240 feet of said southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section 17, T2N, R1W, City of Mason, Ingham County, Michigan; and

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the Planning Commission, at its October 11, 2016, meeting adopted Resolution No. 2016-11 recommending adoption of this ordinance; and

THE CITY OF MASON FURTHER ORDAINS: That the municipal water, sanitary sewer and storm sewer currently serves or are within the vicinity of the site; and

THE CITY OF MASON FURTHER ORDAINS: That the official zoning map shall be marked evidencing this change, and that the City Clerk shall enter on the Official Zoning Map this ordinance number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and map thereto attached, and

THE CITY OF MASON FURTHER ORDAINS: That the City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change, including this ordinance number and the date of adoption thereof; and

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

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

The foregoing Ordinance was moved for adoption by Council Member \_\_\_\_ and seconded by Council Member \_\_\_\_ with a vote thereon being: YES ( ) NO ( ), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the \_\_ day of \_\_\_\_, 2016.

Ordinance No. \_\_\_\_ declared adopted this \_\_ day of \_\_\_\_, 2016.

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Mike Waltz, Mayor

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Deborah J. Cwierniewicz, City Clerk

Introduced: Waxman  
Seconded: Brown

**CITY OF MASON  
PLANNING COMMISSION RESOLUTION No. 2016-11**

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN  
ORDINANCE TO REZONE THE PROPERTY LOCATED AT 652 HULL ROAD  
FROM AG SINGLE FAMILY AGRICULTURAL TO C-2 GENERAL  
COMMERCIAL**

**October 11, 2016**

**WHEREAS**, a rezoning request has been received from Goodwill Industries of Central Michigan's Heartland, Inc. to rezone 7.31 acres of land located at 652 Hull Road (Parcel # 33-19-10-17-200-026); and

**WHEREAS**, the area subject to rezoning is legally described as: All that part of the southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section 17, T2N, R1W, City of Mason, Ingham County, Michigan, lying east of highway US-127 right-of-way, except the south 430 feet thereof and also except the north 150 feet of the east 240 feet of said southeast  $\frac{1}{4}$  of the northeast  $\frac{1}{4}$  of section 17, T2N, R1W, City of Mason, Ingham County, Michigan; and

**WHEREAS**, The request to rezone is consistent with the standards of approval for zoning ordinance amendments listed in Section 94-396(a) of the Mason zoning ordinance, based on the following findings of fact:

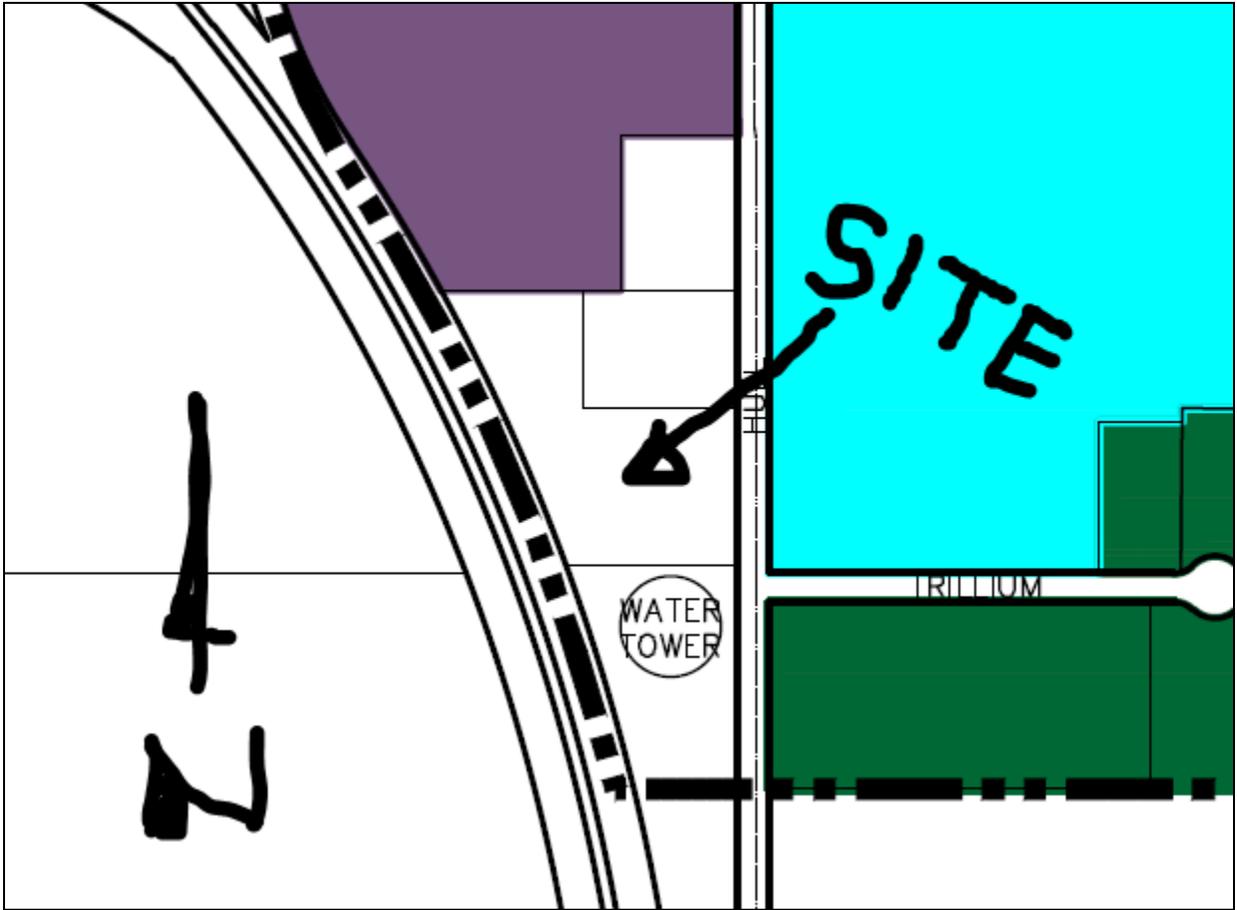
1. That the request to rezone the property is consistent with the Future Land Use Map of the Master Plan.
2. That the subject property can be reasonably served by the necessary public utilities.
3. That there are no significant negative environmental impacts related to the rezoning request.
4. That the land uses permitted in the C-2 (General Commercial) zoning district will not adversely affect the value of the surrounding property.

**NOW THEREFORE BE IT RESOLVED**, that the City of Mason Planning Commission does hereby recommend that the City Council adopt an ordinance to rezone 7.31 acres of land as described from AG Single Family Residential to C-2 General Commercial.

Yes (8) Barna, Brown, Fischer, Hagle, Howe, Hude, Sabbadin, Waxman  
No (0)

Mason, MI

652 Hull Road



User: TF  
DB: Mason City

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	YTD BALANCE		ACTIVITY FOR		AVAILABLE BALANCE	% BGDG USED
		2016-17 AMENDED BUDGET	2016-17 NORMAL	09/30/2016 MONTH	09/30/2016		
Fund 101 - GENERAL FUND							
Revenues							
000.00		124,430.00	0.00	0.00		124,430.00	0.00
215.00	CLERK	500.00	8,268.14	19.70		(7,768.14)	1,653.63
254.00	TREASURER/FINANCE	5,008,050.00	2,705,343.06	10,578.36		2,302,706.94	54.02
271.00	FORESTRY	31,270.00	0.00	0.00		31,270.00	0.00
276.00	CEMETERY	35,625.00	8,595.00	1,244.00		27,030.00	24.13
301.00	POLICE DEPARTMENT	82,735.00	45,680.27	6,076.38		37,054.73	55.21
336.00	FIRE DEPARTMENT	180,320.00	42,519.97	5,039.50		137,800.03	23.58
528.00	REFUSE COLLECTION	359,100.00	354,210.26	130.10		4,889.74	98.64
747.00	COMMUNITY GARDEN	375.00	0.00	0.00		375.00	0.00
751.00	RECREATION	5,000.00	1,865.00	415.00		3,135.00	37.30
850.00	WORKERS COMPENSATION	77,910.00	17,821.00	0.00		60,089.00	22.87
TOTAL Revenues		5,905,315.00	3,184,302.70	23,503.04		2,721,012.30	53.92
Expenditures							
101.00	COUNCIL	40,005.00	5,411.24	2,353.93		34,593.76	13.53
172.00	ADMINISTRATOR	242,470.00	41,133.48	13,835.85		201,336.52	16.96
209.00	ASSESSING	51,295.00	12,326.26	4,103.52		38,968.74	24.03
215.00	CLERK	142,830.00	34,600.82	8,392.66		108,229.18	24.23
247.00	BOARD OF REVIEW	650.00	60.00	0.00		590.00	9.23
254.00	TREASURER/FINANCE	522,155.00	94,975.45	30,543.27		427,179.55	18.19
260.00	TECHNOLOGY	67,445.00	10,923.96	518.67		56,521.04	16.20
265.00	BUILDING OFFICIAL/CITY HALL	181,885.00	32,517.04	12,751.18		149,367.96	17.88
266.00	LEGAL/ATTORNEY	100,000.00	26,887.86	10,724.27		73,112.14	26.89
268.00	PARK STREET PROPERTY	10,870.00	0.00	0.00		10,870.00	0.00
269.00	PROPERTY	429,755.00	191,860.28	65,737.50		237,894.72	44.64
271.00	FORESTRY	78,290.00	11,841.26	4,149.71		66,448.74	15.12
272.00	ADMINISTRATIVE SERVICES	151,200.00	8,318.12	3,543.08		142,881.88	5.50
276.00	CEMETERY	219,200.00	27,785.45	11,682.11		191,414.55	12.68
305.00	POLICE ADMINISTRATION	361,055.00	59,148.71	19,757.30		301,906.29	16.38
315.00	CROSSING GUARDS	28,920.00	1,807.51	1,382.22		27,112.49	6.25
316.00	POLICE PATROLLING	1,038,040.00	180,410.31	61,963.35		857,629.69	17.38
336.00	FIRE DEPARTMENT	489,345.00	81,469.54	53,817.19		407,875.46	16.65
380.00	PLANNING/ZONING OFFICIAL	130,085.00	28,571.12	9,747.38		101,513.88	21.96
426.00	CIVIL DEFENSE	1,855.00	1,200.00	0.00		655.00	64.69
428.00	DISASTER ACCOUNT	100.00	0.00	0.00		100.00	0.00
441.00	PUBLIC SERVICES	6,530.00	1,211.30	520.95		5,318.70	18.55
447.00	ENGINEERING	300.00	0.00	0.00		300.00	0.00
448.00	STREET LIGHTING	94,990.00	17,718.19	6,802.65		77,271.81	18.65
458.00	SIDEWALK CONSTRUCTION-REPAIR	2,090.00	0.00	0.00		2,090.00	0.00
528.00	REFUSE COLLECTION	358,230.00	85,969.84	28,757.19		272,260.16	24.00
747.00	COMMUNITY GARDEN	290.00	126.08	40.94		163.92	43.48
756.00	PARKS AND BALL DIAMONDS	210,005.00	44,891.33	19,074.64		165,113.67	21.38
775.00	SENIOR CITIZENS	8,090.00	2,675.00	2,125.00		5,415.00	33.07
790.00	LIBRARY	52,700.00	4,743.13	1,500.00		47,956.87	9.00
806.00	CHRISTMAS DECORATIONS	6,350.00	0.00	0.00		6,350.00	0.00
807.00	CABLE COMMISSION	3,920.00	600.00	600.00		3,320.00	15.31
808.00	PLANNING COMMISSION	1,085.00	33.71	1.00		1,051.29	3.11
850.00	WORKERS COMPENSATION	77,910.00	35,642.00	17,821.00		42,268.00	45.75
855.00	RETIREE BENEFITS	123,160.00	38,356.04	9,539.01		84,803.96	31.14
890.00	CONTINGENCIES	75,525.00	0.00	0.00		75,525.00	0.00
999.00	SURPLUS	576,700.00	213,926.91	7,764.58		362,773.09	37.10
TOTAL Expenditures		5,885,325.00	1,297,141.94	409,550.15		4,588,183.06	22.04

User: TF

DB: Mason City

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	2016-17		YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BDGT USED
		AMENDED BUDGET	NORMAL	09/30/2016	MONTH 09/30/2016	BALANCE	
Fund 101 - GENERAL FUND							
Fund 101 - GENERAL FUND:							
	TOTAL REVENUES	5,905,315.00	3,184,302.70		23,503.04	2,721,012.30	53.92
	TOTAL EXPENDITURES	5,885,325.00	1,297,141.94		409,550.15	4,588,183.06	22.04
	NET OF REVENUES & EXPENDITURES	19,990.00	1,887,160.76		(386,047.11)	(1,867,170.76)	9,440.52

User: TF  
DB: Mason City

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BDGT USED
		2016-17 AMENDED BUDGET	09/30/2016 NORMAL (ABNORMAL)	09/30/2016 MONTH	09/30/2016 (DECREASE)	BALANCE NORMAL (ABNORMAL)		
Fund 202 - MAJOR STREETS FUND								
Revenues								
000.00		992,255.00	148,350.72	43,910.13		843,904.28		14.95
TOTAL Revenues		<u>992,255.00</u>	<u>148,350.72</u>	<u>43,910.13</u>		<u>843,904.28</u>		<u>14.95</u>
Expenditures								
000.00		155,495.00	0.00	0.00		155,495.00		0.00
451.00	STREET/ROAD CONSTRUCTION	547,100.00	133,932.12	4,464.48		413,167.88		24.48
463.00	STREET MAINTENANCE	147,880.00	40,898.22	20,395.96		106,981.78		27.66
474.00	TRAFFIC SERVICES	32,030.00	4,806.58	1,625.45		27,223.42		15.01
478.00	WINTER MAINTENANCE	42,450.00	0.00	0.00		42,450.00		0.00
482.00	STREET ADMIN/GEN EXP	67,300.00	0.00	0.00		67,300.00		0.00
TOTAL Expenditures		<u>992,255.00</u>	<u>179,636.92</u>	<u>26,485.89</u>		<u>812,618.08</u>		<u>18.10</u>
Fund 202 - MAJOR STREETS FUND:								
TOTAL REVENUES		<u>992,255.00</u>	<u>148,350.72</u>	<u>43,910.13</u>		<u>843,904.28</u>		<u>14.95</u>
TOTAL EXPENDITURES		<u>992,255.00</u>	<u>179,636.92</u>	<u>26,485.89</u>		<u>812,618.08</u>		<u>18.10</u>
NET OF REVENUES & EXPENDITURES		0.00	(31,286.20)	17,424.24		31,286.20		100.00

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BDGT USED	
		2016-17 AMENDED BUDGET	09/30/2016 NORMAL (ABNORMAL)	MONTH 09/30/2016 INCREASE (DECREASE)	09/30/2016 NORMAL (ABNORMAL)	BALANCE			
Fund 203 - LOCAL STREETS FUND									
Revenues									
000.00		635,895.00	123,594.31	17,657.33		512,300.69		19.44	
TOTAL Revenues		<u>635,895.00</u>	<u>123,594.31</u>	<u>17,657.33</u>		<u>512,300.69</u>		<u>19.44</u>	
Expenditures									
451.00	STREET/ROAD CONSTRUCTION	361,800.00	112,309.63	2,977.65		249,490.37		31.04	
463.00	STREET MAINTENANCE	158,145.00	21,266.40	11,506.75		136,878.60		13.45	
474.00	TRAFFIC SERVICES	12,890.00	579.36	361.09		12,310.64		4.49	
478.00	WINTER MAINTENANCE	37,270.00	0.00	0.00		37,270.00		0.00	
482.00	STREET ADMIN/GEN EXP	65,790.00	0.00	0.00		65,790.00		0.00	
TOTAL Expenditures		<u>635,895.00</u>	<u>134,155.39</u>	<u>14,845.49</u>		<u>501,739.61</u>		<u>21.10</u>	
Fund 203 - LOCAL STREETS FUND:									
TOTAL REVENUES		<u>635,895.00</u>	<u>123,594.31</u>	<u>17,657.33</u>		<u>512,300.69</u>		<u>19.44</u>	
TOTAL EXPENDITURES		<u>635,895.00</u>	<u>134,155.39</u>	<u>14,845.49</u>		<u>501,739.61</u>		<u>21.10</u>	
NET OF REVENUES & EXPENDITURES		0.00	(10,561.08)	2,811.84		10,561.08		100.00	

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BDGT USED
		2016-17 AMENDED BUDGET	09/30/2016 NORMAL (ABNORMAL)	MONTH 09/30/2016 INCREASE (DECREASE)	NORMAL (ABNORMAL)	BALANCE		
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY								
Revenues								
000.00		149,800.00	52,667.85	27.06		97,132.15		35.16
TOTAL Revenues		<u>149,800.00</u>	<u>52,667.85</u>	<u>27.06</u>		<u>97,132.15</u>		<u>35.16</u>
Expenditures								
000.00		149,800.00	32,105.00	32,105.00		117,695.00		21.43
TOTAL Expenditures		<u>149,800.00</u>	<u>32,105.00</u>	<u>32,105.00</u>		<u>117,695.00</u>		<u>21.43</u>
Fund 248 - DOWNTOWN DEVELOPMENT AUTHORITY:								
TOTAL REVENUES		149,800.00	52,667.85	27.06		97,132.15		35.16
TOTAL EXPENDITURES		<u>149,800.00</u>	<u>32,105.00</u>	<u>32,105.00</u>		<u>117,695.00</u>		<u>21.43</u>
NET OF REVENUES & EXPENDITURES		0.00	20,562.85	(32,077.94)		(20,562.85)		100.00

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	YTD BALANCE		ACTIVITY FOR		AVAILABLE BALANCE	% BDGT USED
		2016-17 AMENDED BUDGET	NORMAL (ABNORMAL)	09/30/2016 MONTH	09/30/2016		
Fund 250 - LOCAL DEV. FINANCE AUTHORITY							
Revenues							
000.00		1,080,475.00	1,260,633.97	273.44		(180,158.97)	116.67
TOTAL Revenues		<u>1,080,475.00</u>	<u>1,260,633.97</u>	<u>273.44</u>		<u>(180,158.97)</u>	<u>116.67</u>
Expenditures							
691.00	L.D.F.A.	1,080,475.00	403,228.67	326,632.67		677,246.33	37.32
TOTAL Expenditures		<u>1,080,475.00</u>	<u>403,228.67</u>	<u>326,632.67</u>		<u>677,246.33</u>	<u>37.32</u>
Fund 250 - LOCAL DEV. FINANCE AUTHORITY:							
TOTAL REVENUES		1,080,475.00	1,260,633.97	273.44		(180,158.97)	116.67
TOTAL EXPENDITURES		<u>1,080,475.00</u>	<u>403,228.67</u>	<u>326,632.67</u>		<u>677,246.33</u>	<u>37.32</u>
NET OF REVENUES & EXPENDITURES		0.00	857,405.30	(326,359.23)		(857,405.30)	100.00

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	YTD BALANCE		ACTIVITY FOR		AVAILABLE BALANCE	% BDGT USED
		2016-17 AMENDED BUDGET	NORMAL (ABNORMAL)	09/30/2016 MONTH	09/30/2016		
Fund 297 - ECONOMIC DEVELOPMENT COMM.							
Revenues							
000.00		21,940.00	10.80	3.50		21,929.20	0.05
TOTAL Revenues		<u>21,940.00</u>	<u>10.80</u>	<u>3.50</u>		<u>21,929.20</u>	<u>0.05</u>
Expenditures							
000.00		21,940.00	0.00	0.00		21,940.00	0.00
TOTAL Expenditures		<u>21,940.00</u>	<u>0.00</u>	<u>0.00</u>		<u>21,940.00</u>	<u>0.00</u>
Fund 297 - ECONOMIC DEVELOPMENT COMM.:							
TOTAL REVENUES		21,940.00	10.80	3.50		21,929.20	0.05
TOTAL EXPENDITURES		<u>21,940.00</u>	<u>0.00</u>	<u>0.00</u>		<u>21,940.00</u>	<u>0.00</u>
NET OF REVENUES & EXPENDITURES		0.00	10.80	3.50		(10.80)	100.00

User: TF  
DB: Mason City

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BDGT USED
		2016-17 AMENDED BUDGET	09/30/2016 NORMAL (ABNORMAL)	MONTH 09/30/2016 INCREASE (DECREASE)	09/30/2016 NORMAL (ABNORMAL)	BALANCE		
Fund 592 - WATER/SEWER FUND								
Revenues								
000.00		5,967,740.00	1,413,205.82	801,134.23		4,554,534.18		23.68
TOTAL Revenues		5,967,740.00	1,413,205.82	801,134.23		4,554,534.18		23.68
Expenditures								
545.00	WATER & SEWER ADMINISTRATION	154,585.00	30,970.56	10,423.84		123,614.44		20.03
546.00	SEWER IMPROVEMENT	39,365.00	0.00	0.00		39,365.00		0.00
548.00	SEWER MAINTENANCE	266,750.00	20,872.91	13,626.88		245,877.09		7.82
555.00	WASTEWATER TREATMENT PLANT	2,830,305.00	603,964.55	499,455.41		2,226,340.45		21.34
556.00	WATER MAINTENANCE	484,105.00	94,096.53	37,185.90		390,008.47		19.44
557.00	STORM SEWER PROGRAM	20,795.00	360.36	(300.50)		20,434.64		1.73
558.00	WATER IMPROVEMENT	584,445.00	89,817.49	12,263.41		494,627.51		15.37
559.00	WATER TREATMENT PLANT	912,390.00	128,799.63	77,261.54		783,590.37		14.12
566.00	ALLOWANCE FOR DEPRECIATION	675,000.00	0.00	0.00		675,000.00		0.00
TOTAL Expenditures		5,967,740.00	968,882.03	649,916.48		4,998,857.97		16.24
Fund 592 - WATER/SEWER FUND:								
TOTAL REVENUES		5,967,740.00	1,413,205.82	801,134.23		4,554,534.18		23.68
TOTAL EXPENDITURES		5,967,740.00	968,882.03	649,916.48		4,998,857.97		16.24
NET OF REVENUES & EXPENDITURES		0.00	444,323.79	151,217.75		(444,323.79)		100.00

User: TF  
DB: Mason City

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	YTD BALANCE		ACTIVITY FOR		AVAILABLE BALANCE	% BDGT USED
		2016-17 AMENDED BUDGET	09/30/2016 MONTH 09/30/2016	09/30/2016 MONTH 09/30/2016	09/30/2016 MONTH 09/30/2016		
Fund 612 - MASON BUILDING AUTHORITY							
Revenues							
000.00		39,730.00	37,806.53	37,806.48		1,923.47	95.16
TOTAL Revenues		<u>39,730.00</u>	<u>37,806.53</u>	<u>37,806.48</u>		<u>1,923.47</u>	<u>95.16</u>
Expenditures							
000.00		39,730.00	37,806.25	37,806.25		1,923.75	95.16
TOTAL Expenditures		<u>39,730.00</u>	<u>37,806.25</u>	<u>37,806.25</u>		<u>1,923.75</u>	<u>95.16</u>
Fund 612 - MASON BUILDING AUTHORITY:							
TOTAL REVENUES		39,730.00	37,806.53	37,806.48		1,923.47	95.16
TOTAL EXPENDITURES		<u>39,730.00</u>	<u>37,806.25</u>	<u>37,806.25</u>		<u>1,923.75</u>	<u>95.16</u>
NET OF REVENUES & EXPENDITURES		0.00	0.28	0.23		(0.28)	100.00

User: TF  
DB: Mason City

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	YTD BALANCE		ACTIVITY FOR		AVAILABLE BALANCE	% BDGT USED
		2016-17 AMENDED BUDGET	NORMAL (ABNORMAL)	09/30/2016 MONTH	09/30/2016		
Fund 661 - MOTOR VEHICLE POOL							
Revenues							
000.00		448,410.00	57,584.09	55,557.68		390,825.91	12.84
TOTAL Revenues		<u>448,410.00</u>	<u>57,584.09</u>	<u>55,557.68</u>		<u>390,825.91</u>	<u>12.84</u>
Expenditures							
567.00	SHOP & BLDG. MAINTENANCE	49,645.00	3,034.60	2,256.54		46,610.40	6.11
568.00	EQUIPMENT MAINTENANCE	199,915.00	41,700.29	13,105.37		158,214.71	20.86
901.00	EQUIPMENT-CAPITAL OUTLAY	198,850.00	38,428.95	25,584.00		160,421.05	19.33
TOTAL Expenditures		<u>448,410.00</u>	<u>83,163.84</u>	<u>40,945.91</u>		<u>365,246.16</u>	<u>18.55</u>
Fund 661 - MOTOR VEHICLE POOL:							
TOTAL REVENUES		<u>448,410.00</u>	<u>57,584.09</u>	<u>55,557.68</u>		<u>390,825.91</u>	<u>12.84</u>
TOTAL EXPENDITURES		<u>448,410.00</u>	<u>83,163.84</u>	<u>40,945.91</u>		<u>365,246.16</u>	<u>18.55</u>
NET OF REVENUES & EXPENDITURES		0.00	(25,579.75)	14,611.77		25,579.75	100.00

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	2016-17		YTD BALANCE	ACTIVITY FOR	AVAILABLE	% BDGT USED
		AMENDED BUDGET	NORMAL	09/30/2016 (ABNORMAL)	MONTH 09/30/2016 (DECREASE)	BALANCE (ABNORMAL)	
Fund 702 - RAYNER BOND FUND							
Revenues							
000.00		19,200.00		3,307.24	1,972.13	15,892.76	17.23
TOTAL Revenues		<u>19,200.00</u>		<u>3,307.24</u>	<u>1,972.13</u>	<u>15,892.76</u>	<u>17.23</u>
Expenditures							
000.00		19,200.00		0.00	0.00	19,200.00	0.00
TOTAL Expenditures		<u>19,200.00</u>		<u>0.00</u>	<u>0.00</u>	<u>19,200.00</u>	<u>0.00</u>
Fund 702 - RAYNER BOND FUND:							
TOTAL REVENUES		19,200.00		3,307.24	1,972.13	15,892.76	17.23
TOTAL EXPENDITURES		<u>19,200.00</u>		<u>0.00</u>	<u>0.00</u>	<u>19,200.00</u>	<u>0.00</u>
NET OF REVENUES & EXPENDITURES		0.00		3,307.24	1,972.13	(3,307.24)	100.00

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	YTD BALANCE		ACTIVITY FOR		AVAILABLE BALANCE	% BDGT USED
		2016-17 AMENDED BUDGET	NORMAL (ABNORMAL)	09/30/2016 MONTH	09/30/2016		
Fund 711 - CEMETERY TRUST FUND							
Revenues							
000.00		4,100.00	1,636.06	169.28		2,463.94	39.90
TOTAL Revenues		<u>4,100.00</u>	<u>1,636.06</u>	<u>169.28</u>		<u>2,463.94</u>	<u>39.90</u>
Expenditures							
000.00		4,100.00	0.00	0.00		4,100.00	0.00
TOTAL Expenditures		<u>4,100.00</u>	<u>0.00</u>	<u>0.00</u>		<u>4,100.00</u>	<u>0.00</u>
Fund 711 - CEMETERY TRUST FUND:							
TOTAL REVENUES		4,100.00	1,636.06	169.28		2,463.94	39.90
TOTAL EXPENDITURES		<u>4,100.00</u>	<u>0.00</u>	<u>0.00</u>		<u>4,100.00</u>	<u>0.00</u>
NET OF REVENUES & EXPENDITURES		0.00	1,636.06	169.28		(1,636.06)	100.00

PERIOD ENDING 09/30/2016

GL NUMBER	DESCRIPTION	YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BDGT USED
		2016-17 AMENDED BUDGET	NORMAL 09/30/2016 (ABNORMAL)	MONTH 09/30/2016 INCREASE (DECREASE)	NORMAL 09/30/2016 (ABNORMAL)	BALANCE (ABNORMAL)		
Fund 812 - SPECIAL ASSESSMENT FUND								
Revenues								
000.00		154,450.00	28,509.76	102.47		125,940.24		18.46
TOTAL Revenues		<u>154,450.00</u>	<u>28,509.76</u>	<u>102.47</u>		<u>125,940.24</u>		<u>18.46</u>
Expenditures								
000.00		154,450.00	0.00	0.00		154,450.00		0.00
TOTAL Expenditures		<u>154,450.00</u>	<u>0.00</u>	<u>0.00</u>		<u>154,450.00</u>		<u>0.00</u>
Fund 812 - SPECIAL ASSESSMENT FUND:								
TOTAL REVENUES		154,450.00	28,509.76	102.47		125,940.24		18.46
TOTAL EXPENDITURES		<u>154,450.00</u>	<u>0.00</u>	<u>0.00</u>		<u>154,450.00</u>		<u>0.00</u>
NET OF REVENUES & EXPENDITURES		0.00	28,509.76	102.47		(28,509.76)		100.00
TOTAL REVENUES - ALL FUNDS		15,419,310.00	6,311,609.85	982,116.77		9,107,700.15		40.93
TOTAL EXPENDITURES - ALL FUNDS		<u>15,399,320.00</u>	<u>3,136,120.04</u>	<u>1,538,287.84</u>		<u>12,263,199.96</u>		<u>20.37</u>
NET OF REVENUES & EXPENDITURES		19,990.00	3,175,489.81	(556,171.07)		(3,155,499.81)		15,885.39

QUARTERLY INVESTMENT REPORT FOR PERIOD ENDING 9/30/16

ACCOUNTS	CASH	GENERAL FUND INVESTMENT	DART MONEY MARKET	CUTWATER	TOTAL PRINCIPAL INVESTED	QUARTERLY INTEREST EARNED
MSB						
Cemetery Trust	4,850.93	243,013.20		101,077.24	348,941.37	276.06
Current Tax					0.00	
D.D.A.	30,981.67		72,709.04	18,915.39	122,606.10	86.17
E.D.C.	643.62	21,270.44			21,914.06	10.80
General Fund	1,084,243.10		727,346.03	63,713.73	1,875,302.86	1,223.30
General Fund - Checking	2,251,380.17				2,251,380.17	
L.D.F.A.	1,159,194.69	57.11	1,105,052.68		2,264,304.48	930.94
Rayner Bond	63,485.99	383,551.91		319,198.15	766,236.05	684.03
Water & Sewer	191,303.99				191,303.99	13.81
DNB						
Capital Improvement					0.00	
Local Streets	97,980.42		45,868.63	10,342.39	154,191.44	27.24
Major Streets	108,701.20		740,030.31	65,579.80	914,311.31	658.56
M.V.P	156,862.16		217,539.79	56,359.28	430,761.23	249.75
Mason Building Authority	547.56				547.56	0.28
Special Assessments	174,975.98		356,364.74	19,469.25	550,809.97	298.82
Water & Sewer	543,115.27		1,749,768.88	152,892.50	2,445,776.65	1,601.68
TOTALS INVESTED	5,868,266.75	647,892.66	5,014,680.10	807,547.73	12,338,387.24	6,061.44
AVERAGE INT RATE	.13%-AVG	.20%-AVG	.27%-AVG	.61%-AVG		
TERM	LIQUID	LIQUID	LIQUID	LIQUID		
MATURITY DATE	N/A	N/A	N/A	N/A		
% INVESTED	47.56%	5.25%	40.64%	6.55%	100.00%	
% IN DART	49.41%					
% IN MSB	44.04%					
% IN CUTWATER	6.55%					
	100.00%					

MEMORANDUM

TO: Mason City Council  
FROM: Thomas M. Hitch, City Attorney  
RE: **CITY ATTORNEY REPORT**  
DATE: October 13, 2016

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

1. ***J & J Properties v Mason Public Schools (Ingham County Circuit Court)***

The bids were let and Barnhart & Sons was the low bidder. The engineer is circulating all the costs so that the parties are aware of their contribution obligations before the Settlement Agreement is signed. I have been presented with certain permits which need signatures, but have not yet forwarded them to the City Administrator for signature by the Mayor and Clerk until the Settlement Agreement and Stipulation for Intervention are signed and forwarded to the court. The parties still anticipate the work will be completed this fall.

2. ***Esquire Development & Construction, Inc. v City of Mason (Michigan Tax Tribunal Docket Nos. 14-5644 and 15-4504)***

I have been working with City Assessor Heidi Roenicke and now have the documents that were requested in the document production by the petitioner. Heidi and I have also been working on a sales study to be utilized at trial. Since we are preparing a sales study in house, we are not paying for an appraiser on this project.

A prehearing date has been scheduled for January 11, 2017, but I anticipate that that date will be moved due to a conflict in my schedule. I anticipate that the prehearing will be held sometime in late December or the week following the January 11 date.

3. ***O'Brian v City of Mason, et al (U.S. District Court, Western District of Michigan)***

The parties are in the process of scheduling the deposition of the plaintiff, Marcia O'Brian. It is hoped that her deposition will occur prior to the end of this month. At this point, we have not yet received a request to take the deposition of Sgt. Reckling or any other officers involved in this matter.

**4. Resolution delegating duties of Election Commission to Mason City Clerk**

Elsewhere in this packet is a resolution requested by the City Clerk which would delegate a number of the duties of the Election Commission to the City Clerk. It has been my experience in other cities (particularly the City of Charlotte), that the Election Commission only appoints the election inspectors, while all the other duties are handled by the City Clerk. This promotes efficiency and reduces costs (I attend the meetings by phone for the City of Charlotte, which is permitted) and eliminates the need for the City Attorney to travel to City Hall to attend the activities that, if not delegated, would remain with the Election Commission.

It is my recommendation that the City Council approve this resolution reducing the cost to the City and promoting greater efficiency in the handling of elections within the city of Mason.

bks