

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, December 5, 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: November 21, 2016*
 - B. Approval of Bills in the Amount of \$704,888.37*
 - C. Motion – Amend the 2016-2017 Fiscal Year Budget*
7. Regular Business
 - A. Ordinance – Introduction and First Reading of Prohibitive Vegetation Regulation Ordinance*
8. Unfinished Business
 - B. Resolution – Accept the Remainder of Change Order No. 1 in the Amount of \$11,988.28 for Alterations to the 2016 Waste Water Treatment Plant Improvements*
9. New Business
10. Correspondence
 - A. City Attorney's Report*
11. Liaison Reports
12. Councilmember Reports
13. Administrator's Report
14. Motion – Adjourn to Closed Executive Session to Discuss Performance and Contract Negotiations
15. Motion – Reconvene to Council Chambers (Open Meeting)
16. Adjournment

**Indicates an attachment*

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 21, 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 Brown led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Waltz
Absent: Councilmembers: Mulvany
Also present: Deborah S. Stuart, City Administrator
Deborah J. Cwiertniewicz, City Clerk

ANNOUNCEMENTS

- Mason Kiwanis Community Thanksgiving Day Dinner will be held at the Mason First United Methodist Church on Thursday, November 21, 2016.
- Lighted Parade and Christmas Tree Lighting – Downtown Mason – November 22, 2016. Councilmember Elaine Ferris, 2016 Citizen of the Year, will light the Christmas Tree assisted by the winning fifth grader in the poster contest to officially give the order.
- Small Business Saturday – November 23, 2016 - Shop Local!
- Mayor Waltz thanked Mayor Pro Tem Brown for presiding over the November 9th City Council Meeting.

PEOPLE FROM THE FLOOR

None.

CONSENT AGENDA

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

- A. Approval of Minutes: Regular Council Meeting: November 9, 2016
- B. Approval of Bills in the Amount of \$58,670.32
- C. Approval of Excused Absence for Councilmember Droscha for December 19th Meeting
 - Excuse the absence of Councilmember Droscha for the December 19th Meeting.
- D. Resolution - Approval for Bad Brewing Company to Use the City Right-of-Way for an Outdoor Beer Festival on January 28, 2017

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2016-45
APPROVAL FOR BAD BREWING COMPANY TO USE THE CITY RIGHT-OF-WAY
FOR AN OUTDOOR BEER FESTIVAL ON JANUARY 28, 2017
November 21, 2016**

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

WHEREAS, Mr. Brian Rasdale, owner of Bad Brewing Company, has applied on behalf of the company to hold an outdoor beer festival on January 28, 2017;

WHEREAS, Mr. Rasdale is requesting to close the alley between Jefferson and Park streets for the hours 1:00 p.m. – 9:00 p.m.

THEREFORE, BE IT RESOLVED by the City Council of the City of Mason that permission is hereby granted for Bad Brewing Company to utilize the City of Mason right-of-way by closing the alley between Jefferson and Park streets for the hours 1:00 p.m. – 9:00 p.m. to hold an outdoor beer festival January 28, 2017.

E. Resolution – Approval of Special Assessment Resolutions No. 1 and 2 for Project 2017-1

**CITY OF MASON
2017 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 1
PROJECT 2017-1
November 21, 2016**

WHEREAS, upon its own motion and without petition, the City Council of the City of Mason desires to be advised of the feasibility of certain sidewalk improvements within the City, generally described as follows:

The installation of sidewalks and related improvements, and/or the replacement of sidewalk in the public right-of-way of the following properties and along and adjacent to the following streets: 201 E Ash, 216 E Ash, 220 E Ash, 226 E Ash, 405 S Barnes, 520 S Barnes, 603 S Barnes, 604 S Barnes, 611 S Barnes, 100 Corbin, 111 E Elm, 115 E Elm, 116 E Elm, 121 E Elm, 122 E Elm, 226 E Elm, 327 E Elm, 408 E Elm, 416 E Elm, 417 E Elm, 423 E Elm, 426 E Elm, 427 E Elm, 435 E Elm, 224-226 W Elm, 225 W Elm, 227 W Elm, 228 W Elm, 235 W Elm, 238 W Elm, 305 W Elm, 306 W Elm, 309 W Elm, 315-317 W Elm, 320 W Elm, 324 W Elm, 837 Eugenia, 848 Eugenia, 849 Eugenia, 897 Franklin Farm, 630-632 Henderson, 525 Holt, 100 N Jefferson, 103 N Jefferson, 107 N Jefferson, 115 N Jefferson, 119 N Jefferson, 123 N Jefferson, 137-139 N Jefferson, 141-143 N Jefferson, 150 N Jefferson, 154 N Jefferson, 172-188 N Jefferson, 196 N Jefferson, 235 N Jefferson, 238 N Jefferson, 245 N Jefferson, 250 N Jefferson, 255 N Jefferson, 420 N Jefferson, 440 N Jefferson, 444 N Jefferson, 456 N Jefferson, 457 N Jefferson, 525-527 S Jefferson, 601 S Lansing, 605 S Jefferson, 801 Northbrook, 809 Northbrook, 817 Northbrook, 825 Northbrook, 850 Northbrook, 852 Northbrook, 856 Northbrook, 857 Northbrook, 858 Northbrook, 859 Northbrook, 125 Okemos, 524 S Rogers, 531 Steele; and

WHEREAS, an estimate of the expenses of the Project and engineering drawings must be made, and the proposed special assessment district therefore must be determined.

NOW THEREFORE BE IT RESOLVED, that

- 1) The City Council does hereby tentatively declare its intention to proceed with the Project;
- 2) The City Administrator and/or Treasurer are hereby ordered to cause plans showing the Project, the location thereof, the proposed special assessment district, and estimates of the cost of the Project, to be prepared by Wolverine Engineers and Surveyors, Inc., Mason, Michigan;
- 3) The City Administrator, when the engineering plans and estimates for the Project are completed, is ordered to file same with the City Clerk, and said plans and estimates shall be made available for public inspection;
- 4) The City Administrator and/or Treasurer are hereby further authorized to proceed with all other necessary actions to initiate the Project;
- 5) All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

**CITY OF MASON
2017 SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 2
PROJECT 2017-1
November 21, 2016**

WHEREAS, the City Council has ordered plans and estimates of costs of certain sidewalk improvements described more specifically below, to be made; and

WHEREAS, the City Council of the City of Mason, deems it advisable and necessary for the public health, safety and welfare of the City and its inhabitants to carry out the following generally described sidewalk improvement project:

The installation of sidewalks and related improvements, and/or replacement of sidewalk in the public right-of-way of the following properties and along and adjacent to the following streets: 201 E Ash, 216 E Ash, 220 E Ash, 226 E Ash, 405 S Barnes, 520 S Barnes, 603 S Barnes, 604 S

Barnes, 611 S Barnes, 100 Corbin, 111 E Elm, 115 E Elm, 116 E Elm, 121 E Elm, 122 E Elm, 226 E Elm, 327 E Elm, 408 E Elm, 416 E Elm, 417 E Elm, 423 E Elm, 426 E Elm, 427 E Elm, 435 E Elm, 224-226 W Elm, 225 W Elm, 227 W Elm, 228 W Elm, 235 W Elm, 238 W Elm, 305 W Elm, 306 W Elm, 309 W Elm, 315-317 W Elm, 320 W Elm, 324 W Elm, 837 Eugenia, 848 Eugenia, 849 Eugenia, 897 Franklin Farm, 630-632 Henderson, 525 Holt, 100 N Jefferson, 103 N Jefferson, 107 N Jefferson, 115 N Jefferson, 119 N Jefferson, 123 N Jefferson, 137-139 N Jefferson, 141-143 N Jefferson, 150 N Jefferson, 154 N Jefferson, 172-188 N Jefferson, 196 N Jefferson, 235 N Jefferson, 238 N Jefferson, 245 N Jefferson, 250 N Jefferson, 255 N Jefferson, 420 N Jefferson, 440 N Jefferson, 444 N Jefferson, 456 N Jefferson, 457 N Jefferson, 525-527 S Jefferson, 601 S Lansing, 605 S Jefferson, 801 Northbrook, 809 Northbrook, 817 Northbrook, 825 Northbrook, 850 Northbrook, 852 Northbrook, 856 Northbrook, 857 Northbrook, 858 Northbrook, 859 Northbrook, 125 Okemos, 524 S Rogers, 531 Steele; and

Further, the City Council deems it advisable to defray all or a portion of the cost of the Project through special assessments assessed against the properties specially benefited thereby; and

WHEREAS, the City Council desires to proceed further with the Project.

NOW THEREFORE BE IT RESOLVED, that:

- 1) The City Council tentatively declares its intention to proceed with the Project as generally described above, and to defray all or a portion of the cost thereof by special assessments against the properties specially benefited thereby in the proposed sidewalk improvement special assessment district;
- 2) There is hereby tentatively designated a special assessment district against which all or a portion of the costs of the Project are to be assessed, consisting of the lots and parcels of land described in **Exhibit A**, attached hereto and made a part hereof by reference;
- 3) The City Council shall meet at a regular meeting in the City Hall, 201 West Ash Street, Mason, Michigan 48854, on Monday, the 19th day of December, 2016 at 7:30 p.m., at which time and place the City Council will hear any objections to the Project and to the proposed special assessment district therefore;
- 4) The City Clerk is hereby ordered to cause notice of such hearing to be made to the owners of the lots and parcels of land described in **Exhibit A**, attached hereto and made a part hereof by reference, pursuant to Section 66-4 of the Mason Code and the provisions of the City Charter. Said notice shall be in substantially the following form:

**NOTICE OF HEARING
CITY OF MASON
INGHAM COUNTY, MICHIGAN
NOTICE OF PUBLIC HEARING ON THE
SPECIAL ASSESSMENT ROLL FOR THE
SIDEWALK IMPROVEMENTS
SPECIAL ASSESSMENT PROJECT 2017-1**

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN, the owners of the land described below within the proposed Sidewalk Special Assessment District 2017-1, and any other interested persons:

PLEASE TAKE NOTICE that the City Council of the City of Mason, acting on its own initiative, proposes to make the following generally-described sidewalk improvements with respect to the proposed Sidewalk Improvement Special Assessment District-Project 2017-1:

The installation of sidewalks and related improvements, and/or replacement of sidewalk in the public right-of-way of the following properties and along and adjacent to the following streets:

201 E Ash, 216 E Ash, 220 E Ash, 226 E Ash, 405 S Barnes, 520 S Barnes, 603 S Barnes, 604 S Barnes, 611 S Barnes, 100 Corbin, 111 E Elm, 115 E Elm, 116 E Elm, 121 E Elm, 122 E Elm, 226 E Elm, 327 E Elm, 408 E Elm, 416 E Elm, 417 E Elm, 423 E Elm, 426 E Elm, 427 E Elm, 435 E Elm, 224-226 W Elm, 225 W Elm, 227 W Elm, 228 W Elm, 235 W Elm, 238 W Elm, 305 W Elm, 306 W Elm, 309 W Elm, 315-317 W Elm, 320 W Elm, 324 W Elm, 837 Eugenia, 848 Eugenia, 849 Eugenia, 897 Franklin Farm, 630-632 Henderson, 525 Holt, 100 N Jefferson, 103 N Jefferson, 107 N Jefferson, 115 N Jefferson, 119 N Jefferson, 123 N Jefferson, 137-139 N Jefferson, 141-143 N Jefferson, 150 N Jefferson, 154 N Jefferson, 172-188 N Jefferson, 196 N Jefferson, 235 N Jefferson, 238 N Jefferson, 245 N Jefferson, 250 N Jefferson, 255 N Jefferson, 420 N Jefferson, 440 N Jefferson, 444 N Jefferson, 456 N Jefferson, 457 N Jefferson, 525-527 S Jefferson, 601 S Lansing, 605 S Jefferson, 801 Northbrook, 809 Northbrook, 817 Northbrook, 825 Northbrook, 850 Northbrook, 852 Northbrook, 856 Northbrook, 857 Northbrook, 858 Northbrook, 859 Northbrook, 125 Okemos, 524 S Rogers, 531 Steele; and;

TAKE FURTHER NOTICE that the City Council will meet on Monday, the 19th day of December 2016, at 7:30, p.m., in the City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of hearing any objections

to the proposed sidewalk improvement project and the proposed special assessment district therefore.

Appearance and protest at the hearing, in person or in writing, are required in order to appeal the action of the City Council in approving the proposed sidewalk improvement project, the special assessment district or the amount of the special assessment to the state tax tribunal. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment proceedings or may file his or her appearance and protest by letter and his or her personal appearance will not be required. The owner or any person having an interest in the real property who protests in person or in writing at the hearing may file a written appeal of a special assessment with the state tax tribunal within 35 days of the date the special assessment roll is confirmed by the City Council.

Further information regarding the street and sidewalk improvement special assessment project is available at the City Clerk's offices, City Hall, 201 West Ash Street, Mason, Michigan 48854.

- 5) All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

MOTION APPROVED

REGULAR BUSINESS

Resolution – Accept Change Order No. 1 of \$13,110.43 for Alterations to the 2016 Waste Water Treatment Plant Improvements

Stuart commented on her research of the proposed change order for alterations to the 2016 Waste Water Treatment Plant. She stated that it is not uncommon for minor errors to come up and be missed in a big package and that this is the purpose of having a contingency reserve. There are \$15,000 in credits estimated on this project based on other items coming in under budget that would balance within that change order before it would reach the contingency line item. She recommended approval of the resolution.

MOTION by Droscha, second by Brown,
to consider Resolution – Accept Change Order No. 1 of \$13,110.43 for Alterations
to the 2016 Waste Water Treatment Plant Improvements as read.

MOTION APPROVED

Introduced by Ferris and seconded by Brown, Resolution – Accept Change Order No. 1 of \$13,110.43 for Alterations to the 2016 Waste Water Treatment Plant Improvements.

Bruno stated that the error was the responsibility of the contractor and engineers; the City should not have to pay for the problem. He understood that it is not always possible to determine underground situations during construction and those types of changes are necessary.

MOTION by Droscha, second by Bruno,
to amend Resolution – Accept Change Order No. 1 of \$13,110.43 for Alterations
to the 2016 Waste Water Treatment Plant Improvements by striking the amount
of \$13,110.43 and inserting \$1,122.15.

Yes (3) Bruno, Clark, Droscha

No (3) Brown, Ferris, Waltz

MOTION FAILED

MOTION by Droscha, second by Bruno,
to approve Resolution – Accept Change Order No. 1 of \$13,110.43 for Alterations
to the 2016 Waste Water Treatment Plant Improvements.

Yes (3) Brown, Ferris, Waltz

No (3) Bruno, Clark, Droscha

MOTION FAILED

MOTION by Bruno, second by Droscha,
to approve a change order in the amount of \$1,122.15 to relocate the force main
at the waste water treatment plant.

MOTION APPROVED

Resolution – Authorizing an Application to the Ingham County Regional Trails and Parks Millage Fund to the Extension of the Hayhoe Riverwalk Trail in the City of Mason

Stuart stated the Chief of Police was consulted regarding the location of the trailhead and that he supported the location and added that he felt the location would alleviate some of the traffic safety concerns they are confronting on Howell Road. She encouraged Council to approve authorizing an application to the Ingham County Regional Trails and Parks Millage Fund to the extension of the Hayhoe Riverwalk Trail in the City of Mason.

MOTION by Droscha, second by Ferris,
to consider Resolution – Authorizing an Application to the Ingham County Regional Trails and Parks Millage Fund to the Extension of the Hayhoe Riverwalk Trail in the City of Mason as read.

MOTION APPROVED

Introduced by Ferris and seconded by Brown, Resolution – Authorizing an Application to the Ingham County Regional Trails and Parks Millage Fund to the Extension of the Hayhoe Riverwalk Trail in the City of Mason.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2016-44
AUTHORIZING AN APPLICATION TO THE INGHAM COUNTY REGIONAL
TRAILS AND PARKS MILLAGE FUND TO THE EXTENSION OF THE
HAYHOE RIVERWALK TRAIL IN THE CITY OF MASON**

November 21, 2016

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

WHEREAS, the Ingham County Trails and Parks Comprehensive Report identifies the Hayhoe Riverwalk Trail Extension (the "Project") as an eligible project under new construction;

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

WHEREAS, the City Council believes the Project will be an asset to the community and that allocating \$21,000 from the General Fund (reallocating funding reimbursed for the Pedestrian Bridge) and \$40,341 from the Rayner Bond Fund is in the best interest of the City of Mason residents and will leverage over 90% of the project costs;

WHEREAS, the estimated Project cost is \$1,004,325 and is expected to be funded by the following sources:

- Dart Foundation \$50,000
- Lisa and George Hayhoe \$200,000
- City of Mason \$61,341;

WHEREAS, the remaining gap for the Project will be requested of the Ingham County Regional Trails and Parks Millage Fund.

NOW THEREFORE BE IT RESOLVED, the City Council hereby authorizes the City Administrator to submit a grant request to the Ingham County Trails and Parks Millage Fund for the Project and negotiate final terms of the grant agreement consistent with this resolution, if selected for funding;

BE IT FURTHER RESOLVED, the City Council hereby authorizes the budget amendments within the current fiscal year required to facilitate this project consistent with this resolution, if selected for funding prior to July 1, 2017.

RESOLUTION APPROVED

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORT

Brown informed Council regarding Planning Commission business.

MOTION by Brown and seconded by Droscha,
to excuse the absence of Councilmember Mulvany.

MOTION APPROVED

COUNCILMEMBER REPORT

Brown reported that he served on the Michigan Municipal League Newly Elected Officials Training panel last week. All three City of Mason Councilmembers Elect were in attendance.

ADMINISTRATOR'S REPORT

Stuart informed Council regarding City business. She updated Council regarding the purchase of Rayner Park, stating that it was in the hands of the County. They will endorse their part of the agreement and it would be recorded next week. She acknowledged Seth Pautz, a 12-year-old resident, for donating his birthday money to the Food Bank for the second year in a row. There was a power surge at City Hall last week that caused severe damage to several UPS servers. The power outage was due to an accident in the area. A Letter of Intent from the Michigan Economic Development Corporation (MEDC) regarding the Kelsey project in downtown Mason has been received. It is expected construction will begin on their multi-story building in the spring of 2017.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:05 p.m.

Deborah J. Cwierniewicz, City Clerk

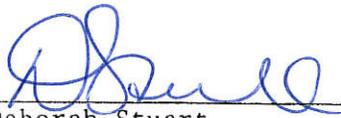
Michael F. Waltz, Mayor

12/01/2016 03:13 PM
User: TF
DB: Mason City

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON
EXP CHECK RUN DATES 12/05/2016 - 12/07/2016
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID
COUNCIL REPORT
MONDAY, DECEMBER 5, 2016

Vendor Code Invoice GL Number	Vendor Name Invoice Description GL Description	Amount
08139	GRAND RIVER CONSTRUCTION, INC	
PAY #6 592-555.00-970.000	WASTEWATER TREATMENT PLANT IMPROVEMENTS PAY APPLICATION 6 WWTP IMPROVEMENTS PAY APPLICATION 6	662,183.10
	VENDOR TOTAL:	662,183.10
05016	GRANGER	
NOV 2016 101-528.00-818.000	NOVEMBER REFUSE FOR #2323 CUSTOMERS NOVEMBER REFUSE FOR #2323 CUSTOMERS	28,781.97
	VENDOR TOTAL:	28,781.97
06993	PREIN & NEWHOF	
37095 592-555.00-970.000	WWTP UPGRADES WWTP UPGRADES	5,652.05
	VENDOR TOTAL:	5,652.05
05363	WOLVERINE ENGINEERS INC	
20160798 401-000.00-985.010	S JEFFERSON RIVERWALK TRAILHEAD PROJ#15-0049 RIVERWALK TRAILHEAD PROJ#15-0049	8,271.25
	VENDOR TOTAL:	8,271.25
	TOTAL - ALL VENDORS:	704,888.37

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


Deborah Stuart
City Administrator

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: December 5, 2016

Agenda Item: 6C

AGENDA ITEM

Motion - Amend the 2016-2017 Fiscal Year Budget

EXHIBITS

Budget Amendments

STAFF REVIEW

Eric Smith, Finance Director/Treasurer

SUMMARY STATEMENT

There are three 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 revenue for the Local Community Stabilization Appropriation (LCSA). This is the revenue replacement for the Personal Property Tax Phase Out. At the time City Council approved the budget, the amount of this revenue was unknown. We received actual revenue payments from the LCSA for General Fund for \$180,831.34, LDFA for \$31,642.59, and DDA for \$7,577.57. The LCSA is Public Act 80 of 2014 and was approved by a majority of the voters on August 5, 2014.

The second amendment is a request to move \$372.00 from Police Patrol Operating Supplies to Crossing Guard Operating Supplies. This budget amendment is to purchase an alternate Crossing Guard lighted handheld stop sign.

The third amendment is a request to move \$6,789.00 from Library Building Maintenance to City Hall Building Maintenance. The water heater at City Hall failed on November 7, 2016. This budget amendment is to cover the replacement of the water heater.

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			General Fund Total Change	\$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			Water Sewer Total Change	\$86,600	\$0	\$86,600	

18	101-260.00-970.000	GF	Technology	\$15,000	\$ 16,400	\$31,400	10/17/2016
19	101-260.00-675.007	GF	Grant Contribution	\$0	\$ 20,472	\$20,472	10/17/2016
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	10/17/2016
21	401-000.00.676.101	CI	Contribution from General Fund (Revenue)	\$0	\$ 20,810	\$20,810	10/17/2016
22	101-756.00-965.401	GF	Contribution to Capital Improvement	\$0	\$ 20,810	\$20,810	10/17/2016
23	401-000.00.985.010	CI	Capital Improvement - Walking Trail	\$0	\$ 60,745	\$60,745	10/17/2016
Riverwalk Trailhead on Jefferson Street Construction							
24	101-254.00.573.000	GF	Local Community Stabilization Share (Revenue)	\$0	\$180,831	\$180,831	
25	248-000.00-573.000	DDA	Local Community Stabilization Share (Revenue)	\$0	\$7,577	\$7,577	
26	250-000.00-573.000	LDFA	Local Community Stabilization Share (Revenue)	\$0	\$31,642	\$31,642	
Local Community Stabilization Revenue							
27	101-315.00-757.000	GF	Crossing Guard Operating Supply	\$0	\$372	\$372	
28	101-316.00-757.000	GF	Police Patrol Operating Supply	\$13,560	-\$372	\$13,188	
Purchase of crossing guard sign							
29	101-265.00.931-000	GF	City Hall Building Maintenance	\$5,075	\$6,789	\$11,864	
30	101-790.00.931-000	GF	Library Building Maintenance	\$45,000	-\$6,789	\$38,211	
Replace failed water heater at City Hall							

CITY OF MASON

STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: December 5, 2016

Agenda Item: 8A

AGENDA ITEM

Introduction and First Reading of Prohibited Vegetation Regulation Ordinance

EXHIBITS

Prohibited Vegetation Ordinance

STAFF REVIEW

John Stressman, Police Chief (Lead)
David Haywood, Zoning and Development Director
Eric Smith, Finance Director
Jim Duthie, Code Enforcement Officer

SUMMARY STATEMENT

This item comes at the request of the Police Department Code Enforcement Officer to assist in enforcing nuisance codes for noxious weeds and tall grass.

This proposed ordinance was researched by the Code Enforcement Officer and Chief of Police. It has been modeled after a similar one in use by Meridian Township and has been modified to accommodate the Code Enforcement Officer for the City of Mason. It has been reviewed by the Chief of Police, Zoning and Development Director, the Finance Director and the City Attorney.

The amended ordinance improves efficiencies for the Code Enforcement Officer's duties investigating and enforcing noxious weeds and tall grass complaints. By simplifying the notification process, the timeframe for abatement of the nuisance is shortened and costs for registered mailing to property owners are eliminated, not increasing the liability to the allocated budget.

CITY ADMINISTRATOR'S RECOMMENDED ACTION BY CITY COUNCIL

Introduce and read the Prohibited Vegetation Ordinance for the first time.

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

**CITY OF MASON
ORDINANCE**

PROHIBITED VEGETATION REGULATION ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 86 – VEGETATION – BY REPLACING ARTICLE II, NOXIOUS WEEDS – WITH A NEW ARTICLE II TITLED PROHIBITED VEGETATION, TO RECITE ORDINANCE PURPOSE; TO ESTABLISH DUTY TO NOTICE; TO ESTABLISH DUTY OF LANDOWNER, AGENT OR OCCUPANT, AND EXCEPTIONS, TO ESTABLISH REMOVAL, NOTICE, AND COSTS, TO AUTHORIZE CHARGES TO BE INCLUDED IN TAX BILL, TO AUTHORIZE A TAX LIEN, TO ESTABLISH PENALTIES FOR VIOLATIONS, AND TO DEEM VIOLATIONS A CIVIL INFRACTION

THE CITY OF MASON ORDAINS:

Chapter 86 of the Mason City Code is hereby amended by striking Article II in its entirety and replaced with a new Article II to establish new regulations for vegetation, which amended, article shall read as follows:

ARTICLE II. Prohibited Vegetation

Sec. 86-31. Purpose.

In order to preserve and maintain the public health and welfare and to prevent fire hazards, no owner or occupant of any lot, place or area within the city, or the agent of such owner, shall permit on such lot, place or area, or upon any abutting sidewalk or street, any noxious weeds, grasses or deleterious or unhealthy growths, or other noxious or flammable matter, that may be growing, lying or located on such lot, place or area.

Sec. 86-32. Duty to Notify.

The City will publish a notice in a newspaper of general circulation within the county during the month of March that noxious weeds not cut will be cut by the City and the owner of the property shall be charged with the cost thereof pursuant to provisions of this article. Publication shall also contain such other information as required pursuant to Section 4 of Act No. 359 of the Public Acts of Michigan of 1941 (MCL 247.61 et seq.), as amended, and the City may cut such noxious weeds as many times as will be necessary and charge the cost of same to the property owner.

Sec. 86-33. Duty of Landowner, Agent or Occupant; Exceptions.

It shall be the duty of the owner, agent or occupant of any property located within one hundred sixty five (165) feet of a structure or the depth of ownership, whichever is the lesser, excepting public utility installations, to prevent weeds, grasses, brush or other vegetation from growing to a height of greater than eight (8) inches, nor shall such owner, agent, or occupant permit an accumulation of dead weeds, grasses, brush or other vegetation of a height greater than eight (8) inches on any such properties. Nothing in this section shall apply to trees, flower gardens, vegetation planted for ornamental purposes, vegetation in vegetable gardens or vegetation in fields devoted to an agricultural crop.

Sec. 86-34. Removal; Notice; Cost.

The City Administrator, or the authorized designee(s) of the City Administrator, shall notify personally, or by posting on the premises, the owner, agent or occupant of any of the lands described in Sec. 86-33 (above) on which prohibited grasses, weeds, vegetation or brush is found. Such notice shall contain a description of the prohibited condition and a summary of the provisions of this article. If the owner, agent or occupant of such land has failed within three (3) business days after such notice is delivered or posted to cut, destroy or remove the prohibited condition, the City Administrator or designee(s) may enter upon such land and destroy by cutting with or without mechanical equipment and/or otherwise remove the prohibited weeds, grasses, brush or other vegetation. Express power to so enter such lands and perform such duties is hereby conferred upon the City Administrator and his/her designee(s). All expenses incurred in such destruction and/or removal shall be billed to and paid by the owner, agent or occupant of such lands.

Sec. 86-35. Charge(s) Included in Tax Bill.

If such owner, agent or occupant will not pay such statement when due, the amount of expenses incurred by the City in destroying and/or removing such condition shall be paid by the City and the amount; the actual cost, plus accrued interest at the rate of six (6) percent per annum from the date of completion of the work, thereof will be assessed against the lands on which such expenditures were made on the next general assessment roll of the City and shall be collected in the same manner as other taxes are collected.

Sec. 86-36. Tax Lien.

The City shall have a lien upon such lands for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

Sec. 86-37. Penalty for Violation or Violation Deemed a Civil Infraction.

Any person or business violating the terms of this article shall be, in addition to the penalties herein before provided, deemed responsible for a municipal civil infraction and subject to a civil fine of five hundred dollars (\$500.00) plus applicable court costs and abatement costs.

State Law Reference: Noxious Weeds, MCL-247.61 et seq.

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

Mike Waltz, Mayor

Deborah J. Cwierniewicz, City Clerk

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

Meeting Date: December 5, 2016

Agenda Item: 8B

AGENDA ITEM

Resolution – Accept the Remainder of Change Order No. 1 in the Amount of \$11,988.28 for Alterations to the 2016 Waste Water Treatment Plant Improvements

EXHIBITS

Prein & Newhoff Recommendation Letter

STAFF REVIEW

Sam Bibler, POTW Superintendent (Lead)
Ken Baker, DPW Director

SUMMARY STATEMENT

This original resolution was introduced at the November 9, 2016 Council Meeting where the Council requested additional information. At the November 21, 2016 meeting the Council approved the first part of the change order but requested that a representative from Prein & Newhof be present at the December 5, 2016 Council meeting to answer additional questions from Council members.

The portion of the change order being considered at this meeting is related to the additional wiring and conduit for the local control panels is needed for the local control stations for the grit removal system and screen. The local controls panels were anticipated as they are required for the grit and screen equipment and are called out in the specifications. However, the wire and conduit to these stations were overlooked on the electrical plans. As they are necessary for operation of this equipment, it is work that should have been included in the original bid. Contractors detailed pricing and determined it was similar to what would have been expected in the original bid.

The total costs for the additional wiring and conduit for the grit pump motor thermostats and the local control grit and screen stations came to \$11,988.28. As mentioned above, the first part of the Change Order in the amount of \$1,122.15 was approved on November 21, 2016.

Staff has reviewed these items and believes they are reasonable and required. The expected completion date is early 2017. Prein & Newhof will be available at the meeting to respond to any specific questions on this matter.

CITY ADMINISTRATOR’S RECOMMENDED ACTIONS BY CITY COUNCIL

Move to approve the attached resolution to accept the remainder of Change Order No. 1 in the Amount of \$11,988.28 for alterations to the 2016 Waste Water Treatment Plant Improvements.

Introduced:
Second:

**CITY OF MASON
CITY COUNCIL RESOLUTION**

**ACCEPT THE REMAINDER OF CHANGE ORDER NO. 1 IN THE AMOUNT OF
\$11,988.28 FOR ALTERATIONS TO THE 2016 WASTE WATER TREATMENT
PLANT IMPROVEMENTS**

December 5, 2016

WHEREAS, in March of 2016 the Mason City Council approved Resolution 2016-11.1 to accept a bid of \$2,170,000.00 to perform the 2016 Waste Water Treatment Plant Improvements;

WHEREAS, during the construction process it was discovered that some alterations and additions would be necessary for the headworks project to operate properly;

WHEREAS, the force main extension was approved at the November 21 City Council meeting for \$1,122.15 as part of this change order; and

WHEREAS, the remaining \$11,989.28 related to the local control panel are necessary for the project.

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 \$11,988.28 and authorizes the City Administrator signature authority.

Yes ()
No ()

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, December 5, 2016, the original of which is part of the City Council minutes.

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

October 21, 2016
2150173

Mr. Ken Baker
City of Mason
345 N. Jefferson
Mason, Michigan 48854

RE: City of Mason – 2016 Wastewater Treatment Plant Improvements
Change Order No. 1

Dear Sam:

Change Order No. 1 has been provided separately. As discussed, this Change Order increases the total contract amount by \$13,110.43, which is approximately 0.6% of the total contract. Added and modified work in this Change Order includes:

- Modifying the discharge location of the 16-inch forcemain in order to maintain an occasionally used existing pipe
- Rerouting the 1 ½" Forcemain to discharge at the Primary Clarifier influent channel
- Adding wire and conduit for thermostats in the grit pump motor as recommended during the shop drawing review process
- Adding wire and conduit for the grit and screen system local control stations

These items are necessary for functionality of the improvements to the Wastewater Treatment Plant and we recommend approval of Change Order No. 1.

If you have any questions, please feel free to contact me.

Sincerely,

Prein&Newhof



Peter W. Brink, P.E.

MEMORANDUM

TO: Mason City Council

FROM: Thomas M. Hitch, City Attorney 

RE: **CITY ATTORNEY REPORT**

DATE: December 1, 2016

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

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

In my last communication with Council, I indicated that I was hopeful that we could move towards a resolution of this matter, but I noted that the hopefulness was frequently not fulfilled. Unfortunately, I must report that that hopefulness continues to be unfulfilled. Petitioner has filed a motion for summary disposition and attached exhibits that exceed 1,000 pages. I need to repond to this within 28 days. There is presently scheduled a Prehearing Conference on January 11, 2017, but I am unavailable on that day and I will be filing a motion to adjourn the conference to January 18, 2017. In any event, that prehearing conference may be affected by Petitioner's motion for summary disposition.

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

It appears that the parties have now reached agreement on all of the outstanding issues. The timing is somewhat complicated because one of the attorneys is out of the country for another week. I anticipate that upon his return, the parties will move quickly to execute the required documents so that the City may issue a notice to proceed.

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

The parties are looking at several additional depositions in the next two weeks. The Mason police officers are included with those depositions and I will be attending those depositions.

bks