

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 15, 2004**

Whipple called the meeting to order at 7:43 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Naeyaert led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Clark, Helbig, *Johnson, Naeyaert, Whipple
Absent: Councilmembers: Bruno, Preadmore
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
Joe Dean, DPW Director
Deborah Stein, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: March 1, 2004

MOTION by Clark, second by Naeyaert
To approve the Minutes of March 1, 2004 as amended.
MOTION APPROVED UNANIMOUSLY

APPROVAL OF MINUTES - SPECIAL COUNCIL MEETING: March 9, 2004

The Special Meeting Minutes of March 9, 2004 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Helbig,
To approve the payment of bills in the amount of \$125,330.72 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

James Gill of 120 W. Michigan, Lansing, Police Detective for the Lansing Police Department, stated that he is running for the Ingham County Sheriff's Department.

REGULAR BUSINESS

Resolution No. 2004-17 Employee Purchase of Additional Service Credit
Resolution No. 2004-17 was introduced by Naeyaert and seconded by Helbig.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2004-17**

EMPLOYEE PURCHASE OF ADDITIONAL SERVICE CREDIT

March 15, 2004

WHEREAS, Mrs. Diana Baker is an employee of 13 years and 8 months of the City of Mason; and

WHEREAS, Mrs. Baker requests to purchase 1 year and 4 months of additional service credit from Municipal Employees' Retirement System (MERS), to be added to the 13 years and 8 months, at a cost of \$10,147; and

WHEREAS, Mrs. Baker is paying for the entire cost of the additional credited service;

NOW, THEREFORE, BE IT RESOLVED, that as provided by the MERS Plan Document, the above additional service is granted to Mrs. Baker by resolution adopted by Mason City Council at its regular meeting on March 15, 2004. It is understood that calculation of the actuarial cost is based on the

assumptions approved by the MERS Retirement Board on the date the calculation was prepared. Actual, future events and experience may result in changes different than those assumed, and liability different than that estimated.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2004-18 A Resolution Approving a PILOT for Green Park Townhomes

First Properties is requesting a Payment In Lieu of Taxes (PILOT) agreement for the proposed development located at 840 W. Columbia. The request also includes a proposal for the city to condemn and acquire the property known as Orchard Lane to convert it to a public street. The applicant has committed to setting up an escrow account to fund improvements to the street. Whipple invited public comment.

Jon Jenkins of 213 S. Jefferson stated that he is a member and officer of the St. Mark Lutheran Church. The church owns the property that is being purchased by First Properties for the proposed development. He is *[insert] not* concerned about the inadequate site distance from the Columbia Street access to the overpass. He feels that there is a need for affordable housing in Mason and that the infrastructure improvements would benefit more properties than just the one site.

*Neal Johnson arrived at 7:55 p.m.

Bob Kabbe of First Properties commented regarding both the requested PILOT for the proposed development of Green Park Townhomes and the condemnation of Orchard Lane. First Properties would establish an escrow account that would be placed on deposit with MISHDA; the funds would accrue interest on a regular basis.

Resolution No. 2004-18 was introduced by Naeyaert and seconded by Helbig.

Discussion ensued regarding the issues relating to condemning property.

MOTION by Clark, second by Johnson,
To defer Resolution No. 2004-18 until the second meeting in April pending a recommendation from the Planning Commission regarding making Orchard Lane a true dead end street and also to direct staff to contact the current property owner of Orchard Lane as to what the city is contemplating and to prepare time and cost estimates for the condemnation process.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2004-19 A Resolution Approving the Rezoning of 901 E. Ash Street

A request to rezone property located at 901 E. Ash Street, currently zoned Single Family Residential (RS1) to Multiple Family Residential (RM). At its March 9 meeting, the Planning Commission vote was tied 4 – 4, which left them unable to make an affirmative recommendation to the Council. A protest petition was submitted; a unanimous vote of the Council would be required to approve the rezoning. Although the Planning Commission didn't document finding of facts, Colburn addressed the findings that they discussed in his staff agenda report.

Whipple invited the public to comment.

Dennis Anderson of 1926 W. Dansville stated that he is representing the Jewett family who submitted the application to request rezoning the property at 901 E. Ash Street. He asked that the Council reconsider the Planning Commission action that took place at the March 9 meeting. He added that the current master plan recommends high density residential for this site.

Resolution No. 2004-19 was introduced by Naeyaert and seconded by Helbig.

The Council considered the six findings of facts in accordance with Section 94-396, that the Planning Commission is to use for determining findings of fact. The Council didn't identify any finding of fact to support denying the request. Discussion was held regarding wastewater disposal issues in this area. Dean explained that the only time there is a wastewater disposal issue is when there is extreme weather. Discussion ensued regarding the requested zoning relating to development on M-36 (Ash Street) and that the current zoning isn't in agreement with the current Land Use Map and the current Master Plan.

**CITY OF MASON
CITY COUNCIL RESOLUTION 2004-19**

A RESOLUTION APPROVING THE REZONING OF 901 E. ASH STREET

March 15, 2004

WHEREAS, a request has been received from the owner of property at 901 E. Ash Street, parcel # 33-19-10-09-276-003, to rezone the property; and

WHEREAS, the property is currently zoned RS-1 / Single Family Residential; and

WHEREAS, the request is to rezone the property to RM / Multiple Family Residential; and

WHEREAS, the City Council does find the request consistent with the Future Land Use Plan;

THEREFORE BE IT RESOLVED that the City Council does hereby approve the request to rezone the property to RM / Multiple Family Residential.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2004-20 Acceptance of Raindrop Court and the North End of Riverwalk Riverwalk Drive
Resolution No. 2004-20 was introduced by Naeyaert and seconded by Helbig.

**CITY OF MASON
CITY COUNCIL RESOLUTION 2004-20**

ACCEPTANCE OF RAINDROP COURT AND THE NORTH END OF RIVERWALK DRIVE

March 15, 2004

WHEREAS, the City of Mason did on July 21, 2003 acquire title to certain streets; and

WHEREAS, it is necessary to furnish certain information to the State of Michigan to place these streets within the City Street System for the purpose of obtaining funds under Act 51, P.A. 1951, as amended.

NOW, THEREFORE, IT IS RESOLVED:

1. The north end of Riverwalk Drive, as recorded in the plat of Riverwalk Meadows No. 5, a subdivision on part of the northeast ¼ of Section 5, T2N, R1W, City of Mason, Ingham County, Michigan; and Raindrop Court, as recorded in the plat of Riverwalk Meadows No. 4, a subdivision on part of the northeast ¼ of Section 5 T2N, R1W, City of Mason, Ingham County, Michigan.
2. That said streets are located within City right-of-way and are under the control of the City of Mason.
3. That said streets are public streets and are for public street purposes.
4. That said streets are accepted into the City Local Street System.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2004-21 Request to Waive the Bid Process for the Biosolids Storage Tank

DPW Director commented briefly regarding the recommendation to award the biosolids Storage Tank contract to HTI, Inc.

Resolution No. 2004-21 was introduced by Naeyaert and seconded by Helbig.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2004-21
CONSTRUCTION OF BIOSOLIDS STORAGE TANK
March 15, 2004**

WHEREAS, the City of Mason authorized the design of an additional 668,000 gallon biosolids storage tank, provided by HTI, Incorporated, in the proposed improvements to the Mason Publicly Owned Treatment Works (POTW) Plant in 1994; and

WHEREAS, the additional storage space is needed to comply with the city's approved residuals management program as required by its Federal National Pollutant Discharge Elimination Systems Permit No. MI 0020435; and

WHEREAS, it is in the best interests of the City of Mason to have the new tank be of the same type and make as its existing storage tank constructed in 1987 by HTI; and

WHEREAS, Michigan Department of Environmental Quality requires the removal of 690 cubic yards of soil for compensation for the construction of the proposed storage tank in the designated flood plain;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby award the construction proposal of a 668,000 gallon biosolids storage tank to HTI, Incorporated in the amount of \$400,000; and

BE IT FURTHER RESOLVED, that the Mason City Council does hereby award the proposal to HTI, Incorporated for the compensating flood plain cut, not to exceed \$17,400.

RESOLUTION APPROVED UNANIMOUSLY

Bid - Pad Mount Generators for the Kipp Road Well and Franklin Farms Well

Whipple stated that the pad mount generators for the Kipp Road Well and Franklin Farms Well was deferred from the last meeting to determine if diesel powered generators would be allowed to support wells. Michigan Department of Environmental Quality (MDEQ) was consulted; they do not prohibit diesel powered generators, they "prefer" propane or natural gas powered equipment. In addition, Police Chief McCormick submitted a written recommendation supporting the purchase of diesel generators because he has been informed that municipalities would be given precedent over diesel fuel allocations should a State or Emergency be declared by the Governor and natural gas would not be guaranteed.

MOTION by Naeyaert, second by Johnson,
To award the \$56,958 Consumer Energy bid for (2)125 KW generators for the Kipp Road Well and Franklin Farms Well.

MOTION APPROVED UNANIMOUSLY

Request – Knights of Columbus – Use of the Right-of-Way

The Knights of Columbus submitted a request to use the right-of-way in front of Ware's and Kean's on April 2 and 3 to solicit donations as a fund raiser.

MOTION by Clark, second by Helbig,

To approve the Knights of Columbus request for the use the right-of-way April 2 and 3.
MOTION APPROVED UNANIMOUSLY

Request – Planning Commission – Ad Hoc Recreation Committee Representation

Whipple stated that the Planning Commission held an informal discussion to select a Planning Commissioner to serve as a representative on the Ad Hoc Recreation Committee. However, a formal request was not made. When he became aware of their selection, he talked with the Chair and others on the Planning Commission and informed them that the Council had set up the ad hoc committee and a formal request needed to be presented to the Council. Although the Mayor Pro Tem is a member of the Planning Commission and serves on the ad hoc committee, it was specifically stated that they wanted the appointee to be someone other than the Mayor Pro Tem.

MOTION by Clark, second by Helbig,
To grant the request of the Planning Commission to include an appointed member of the Planning Commission to the Ad Hoc Recreation Committee.

Discussion ensued regarding the events that lead up to the Planning Commission's request. Attorney McGinty cited Section 94-94; he stated that the Planning Commission would have to approve any final recommendation of the ad hoc committee. He pointed out that there would be a potential conflict of interest presented if a planning commissioner served on an ad hoc committee as well.

VOTE ON THE MOTION:
Yes (0)
No (5) Clark, Helbig, Johnson, Naeyaert, Whipple
Absent (2) Bruno, Preadmore
MOTION FAILED

Presentation – Lt. Gill – Metro-Drug Task Force

Lt. Gill of the Metro Drug Task Force gave a brief presentation regarding the drug activity, the trends that they see, and some of the challenges in the Eaton, Clinton and Ingham counties.

MOTION by Johnson, second by Clark,
To accept the Metro Drug Task Force Report presented by Lt. Gill and place it on file.
MOTION APPROVED UNANIMOUSLY

EXECUTIVE SESSION

MOTION by Clark, second by Johnson,
To adjourn to executive session to consider an attorney/client privileged correspondence.
ROLL CALL VOTE: Yes (5) Clark, Helbig, Johnson, Naeyaert, Whipple
No (0)
Absent (2) Bruno, Preadmore
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 9:39 p.m. and reconvened at 9:59 p.m.

PA 108/PA 425 Agreements with Vevay Township

A formal response has not been received from Vevay Township. There was no discussion.

UNFINISHED BUSINESS

Whipple asked that the process regarding the rezoning of 901 E. Ash Street be documented in the minutes.

NEW BUSINESS

MOTION by Naeyaert, second by Helbig,
To excuse the absence of Scott Preadmore.
MOTION APPROVED UNANIMOUSLY

Discussion was held regarding rental property and the instances when renters neglect paying the water bill and it then becomes a lien on the property and is added to the taxes. Property owners are now notified when a renter is late making the payment. The finance department was requested to present a recommendation or options to the current process within the next two months.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

Clark informed the Council regarding the following Planning Commission items:

- The recommended Master Plan changes submitted by Council were adopted except for changing the term “neighborhood commercial” to “appropriate commercial.”

Whipple informed the Council regarding the following DDA items:

- The DDA budget includes an expenditure to contract with Dutch Heritage to fully maintain the downtown planters with uniform seasonal plantings. The DDA is expecting that the planters can be funded privately and will not be appropriating funds beyond one year.
- The façade grant program was changed from a fifty-percent grant to a thirty-five percent grant with the option of a fifty-percent grant if the project was significant and made a dramatic improvement to the property. Action Printing submitted two grants for their two side by side buildings. The DDA offered them a fifty-percent grant on one of the buildings if they would agree to further improvements. They requested fifty-percent on both. The DDA treated it as one project and approved the fifty-percent grant.

ADMINISTRATOR’S REPORT

Colburn informed the Council on the following items.

- The City of Techumseh will be participating with Mason in the bi-annual Mayor Exchange.
- A preconstruction meeting is scheduled for the Okemos Street project; following the meeting, flyers will be delivered door to door providing pertinent information about the project for all properties affected by the construction.
- Michigan Department of Transportation (MDOT) has notified the city that they will be randomly contacting Mason residents to ask them to keep a two day journal of their travels.

PEOPLE FROM THE FLOOR

None.

EXECUTIVE SESSION

MOTION by Clark, second by Johnson,
To adjourn to executive session to consider the acquisition of property.
ROLL CALL VOTE: Yes (5) Clark, Helbig, Johnson, Naeyaert, Whipple

No (0)
Absent (2) Bruno, Preadmore
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 10:30 p.m.

Martin A. Colburn, City Clerk

Russell W. Whipple, Mayor