

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 2, 2005**

Naeyaert called the meeting to order at 7:37 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: Bruno, Clark, Coady-Helbig, Johnson, Mulvany, Whipple, Naeyaert

Absent: Councilmembers: None

Also present: Martin Colburn, City Administrator
Kathy Revels, City Finance Director/Treasurer
John Stressman, Police Chief
Jim Howard, Planning/Zoning Director
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: April 18, 2005

The Regular Meeting Minutes of April 18, 2005 were approved as corrected.

APPROVAL OF BILLS

MOTION by Johnson, second by Whipple,
To approve the payment of bills in the amount of \$133,490.88 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Rod Hunt, Planning Commission Member, offered suggestions to further support code enforcement efforts and stated that he felt that the current ordinances should be enforced rather than establishing more. He recommended creating a board of responsible city landlords to propose rental property standards. Mr. Hunt asked about zoning regulations relating to a semi truck that parks on residential property which also has a pole barn located on it. It was discussed that this property was previously reviewed and due to permitting error, the building was allowed.

Deb Birdsall of 352 Columbia Street suggested placing a television in the Council Chamber foyer to allow people waiting in the foyer to watch the meeting on those occasions when there is "standing room only." She also informed the Council that paper rustling and pen tapping muddles the broadcast audio. Ms. Birdsall commended Colburn for his manner of conduct and responses during the City Council Decorum Work Session that was held prior to the regular meeting. She felt that the work session provided awareness and encouraged councilmembers to maintain cohesiveness.

REGULAR BUSINESS

Public Hearing – Budget FY2005-2006

Naeyaert opened and closed the public hearing being there were no comments.

Resolution No. 2005-22 Adoption of the FY 2005-2006 Budget

Colburn gave a brief synopsis of the proposed budget for FY2005-2006. Resolution No. 2005-22 was introduced by Mulvany and seconded by Johnson. Discussion was held regarding the memo citing recommended adjustments submitted by Colburn. It was the consensus of the Council to approve the proposed budget and make amendments at the next meeting to address Colburn's recommendation to make the existing part-time building inspector position a full time position. This will allow placing a stronger emphasis on code enforcement, as well as manage the proposed building maintenance codes. Colburn stated that he met with Historical District Commission (HDC) Chairperson Mark Cummings in response to the HDC's request for matching funds for a SHPO grant. Colburn maintained deferring the CLG project.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-22**

ADOPTION OF THE FY 2005-2006 BUDGET

May 2, 2005

WHEREAS, the City Council of the City of Mason did hold a public hearing on the proposed 2005-2006 fiscal year budget on Monday, May 2, 2005 as prescribed by law: now therefore

BE IT RESOLVED, that the proposed 2005-2006 Operating Budget herewith filed with the City Clerk, providing for the sums of \$11,888,108 for expenditures for municipal purposes for General Fund, Special Revenue Funds, Capital Project Funds, Trust and Agency Funds, Enterprise Funds, Intergovernmental funds, and Special Assessment Funds for the 2005-2006 fiscal year, and that of the said amount the sum of \$2,352,454 shall be raised by taxes, or a levy of 13.25 mills, upon real and personal property of the City of Mason; and

RESOLVED FURTHER, that whereas the Downtown Development Authority (DDA) budget for 2005-2006 is forwarded to the City Council for its approval, and whereas the captured State Equalization Taxable Valuation for the DDA District is \$2,485,612, the sum of \$28,217 shall be placed in the DDA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that whereas the Local Development Finance Authority (LDFA) budget for 2004-2005 is forwarded to the City Council for its approval, and whereas the captured State Equalization Taxable Valuation for the LDFA District is \$25,146,407; the sum of \$333,190 shall be placed in the LDFA Fund along with other taxing jurisdictions' appropriate tax dollar amounts, and together this money will be used for future public improvements within the District, and bond payments; and

RESOLVED FURTHER, that the 2005-2006 Governmental Fund Budgets shall be automatically amended on July 1, 2005 to re-appropriate encumbrances outstanding and reserved on June 30, 2005,

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the City Council of the City of Mason hereby adopts the 2005-2006 proposed fiscal year budget which is currently on file in the office of the City Clerk.

RESOLUTION APPROVED UNANIMOUSLY

Ordinance No. 144 – Utilities – First Reading

McGinty gave a brief synopsis of the revisions proposed by the Utility Code Revision

Committee for the city’s utility ordinance. Dean spoke to the proposed standards for sewer pipes. Whipple suggested mailing the ordinance to Alaiendon and Vevay Townships for review.

MOTION by Whipple, second by Coady-Helbig,
To consider Ordinance No. 144 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2005-23 – Buy/Sell Agreement for 441 N. Jefferson Street

Resolution No. 2005-23 was introduced by Johnson and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-23**

**RESOLUTION TO APPROVE THE BUY/SELL AGREEMENT
FOR 441 NORTH JEFFERSON STREET**

May 2, 2005

Whereas, the City of Mason is seeking to purchase land for future use of the Public Works Department; and

Whereas, the residential property located at 441 North Jefferson Street had a *Phase I Environmental Site Assessment* Review of this property; and

Whereas, the City of Mason and the property owner Lou Ann Shaw have come to a mutual agreement on the sale price of One Hundred Thousand Dollars (\$100,000) total; and

Whereas, the City of Mason has received competitive quotes for financing from local banks.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Mason, Michigan does hereby authorize Martin A. Colburn, City Administrator, to enter into said Buy/Sell Agreement to purchase the residential property located at 441 North Jefferson Street, Mason, MI 48554 for the purchase price of One Hundred Thousand Dollars (\$100,000).

BE IT FURTHER RESOLVED, that the City Council for the City of Mason, Michigan does hereby accept financing from Dart Bank at 4.5 percent to be paid in equal annual installments over the next seven years. The interest total is \$14,301.95 with the total expenditure being \$114,301.95. The purchase is forwarded with the full faith and credit of the City of Mason.
RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2005-24 – Jewett Sports Complex Bond

Resolution No. 2005-24 was introduced by Whipple and seconded by Mulvany.

MOTION by Johnson, second by Clark,
To amend Resolution No. 2005-24, Exhibit A, in the informational purposes only paragraph by inserting an example based on average cost.

VOTE:

Yes (1) Johnson

No (6) Bruno, Clark, Coady-Helbig, Mulvany, Whipple, Naeyaert

MOTION FAILED

MOTION by Whipple, second by Johnson,
To amend Resolution No. 2005-24, Exhibit A, by striking "Jewett Sports
and insert "Construction and Improvement" after "Park" and by striking
"proposed addition" in number two.

MOTION APPROVED UNANIMOUSLY

Mulvany stated that he felt that much of the city's capability to deal with the capital improvement projects that have been outlined by staff as well as the Planning Commission will be negatively impacted and that asking Mason's community to pay for it is poor fiscal management. He stated that he is voting no and encouraged other councilmembers to do the same. Naeyaert asked Colburn to respond to the impact on future capital improvements. Colburn stated that the City of Mason standard was rated "A" in the Standard and Poors Rating. He added that the City's debt ratio is very good, but this project would add to it.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-24**

A RESOLUTION TO PROPOSE JEWETT SPORTS COMPLEX BOND

May 2, 2005

City of Mason, Ingham County, Michigan (the "City").

A regular meeting of the City Council of the City of Mason (the "City Council") was held in the Council Chambers, on the 2nd day of May, 2005, at 7:30 o'clock in the p.m.

The meeting was called to order by Mayor Naeyaert.

Present: Council Members (7) Bruno, Clark, Coady-Helbig, Johnson, Mulvany, Naeyaert, Whipple

Absent: Council Members(0)

WHEREAS:

1. In the opinion of this City Council it is necessary and expedient to construct and equip a sports park on a parcel of property donated to the City adjacent to the Ingham County Fairgrounds on Temple Street extended, consisting of three (3) softball fields, two soccer fields, playgrounds, restrooms, and related appurtenances, including necessary access, parking and site improvements; and

2. In the opinion of this City Council it is necessary and expedient to make improvements to Austin, Bond, Hayes, and Laylin parks including restroom construction and renovation, playground equipment installation, site improvements, and related appurtenances; and

3. It will be necessary for the City to borrow the sum of Four Million Two Hundred Thousand Dollars (\$4,200,000) and issue the bonds of the City therefor, any remaining funds to be derived from the investment of the bond proceeds; and

4. A special bond election of the electors of the City be called and held on Tuesday, August 2, 2005.

5. The question of borrowing by issuing bonds of the City be submitted to the vote of the electors at the special election.

6. The proposition to be voted on at the special bond election shall be stated on the ballots in substantially the form as set forth in Exhibit "C."

7. This City Council estimates the period of usefulness of the improvements for which bonds of the City in the amount of Four Million Two Hundred Thousand Dollars (\$4,200,000) are to be issued to be not less than fifteen (15) years.

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

THEREFORE, BE IT RESOLVED, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.

YES: (5) Clark, Coady-Helbig, Johnson, Naeyaert, Whipple
NO: (2) Bruno, Mulvany
ABSENT: (0)

The undersigned duly qualified and acting Clerk of the City of Mason, Ingham County, Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on May 2, 2005, the original of which resolution is a part of the Council's minutes and further certifies that notice of the meeting was given to the public under the Open Meetings Act, 1976 PA 267, as amended.

RESOLUTION APPROVED

EXHIBIT "A"
BONDING PROPOSAL

**PARK CONSTRUCTION AND
IMPROVEMENT BOND PROPOSAL**

Shall the City of Mason, Ingham County, borrow the principal sum of not to exceed Four Million Two Hundred Thousand Dollars (\$4,200,000) and issue its general obligation unlimited tax bonds therefore for the purpose of making improvements to four existing City parks including playground, restroom, and site improvements, and for constructing and equipping a new park on an approximately 15 acre parcel donated to the City adjacent to the Ingham County Fairgrounds, and approximately an additional 5 acres on Fairgrounds property, consisting of three softball and two soccer fields, playgrounds, restrooms, and related appurtenances, including access, parking and site improvements?

The following is for informational purposes only:

The estimated millage that will be levied for the proposed bonds in 2006, is 1.71 mills (\$1.71 on each \$1,000 of taxable valuation). The maximum number of years the bonds may be outstanding, exclusive of any refunding, will not exceed fifteen (15) years. The estimated simple average annual millage anticipated to be required to retire this bond debt is 1.50 mills (\$1.50 on each \$1,000 of taxable valuation).

YES _____
NO _____

Special Assessment Resolution No. 6, Project No. 2005-3, S. Temple Street Extension
Special Assessment Resolution No. 6, Project No. 2005-3 was introduced by Whipple and seconded by Johnson.

CITY OF MASON

**2005 SOUTH TEMPLE STREET EXTENSION
SPECIAL ASSESSMENT RESOLUTION NO. 6
PROJECT NO. 2005-3**

At a regular meeting of the City Council of the City of Mason, Ingham County, Michigan (the "City"), held in the City Hall, 201 West Ash Street, Mason, Michigan, on Monday, the 18th day of April, 2005, at 7:30 o'clock, p.m.

WHEREAS, pursuant to due notice to all interested parties, this City Council did meet on Monday, April 18, 2005, in the City Hall, 201 West Ash Street, Mason, Michigan, for the purpose of reviewing the special assessment roll and hearing any objections thereto for the South Temple Street Extension Special Assessment District 2005-3; and

WHEREAS, at the time and place designated for said meeting, the meeting was duly called to order and the opening of the hearing for objections to the special assessment roll, prepared by the City Assessor and on file with the City Clerk, was announced, said roll assessing the cost of certain street construction against the benefiting properties; and

WHEREAS, objections were heard or filed in writing with the City Clerk and the following adjustment or corrections, if any, were made:

; and

WHEREAS, the City Council now desires to confirm the special assessment roll attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby designates the special assessment district as the "South Temple Street Extension Special Assessment District 2005-3."
2. The special assessment roll as prepared and reported to the City Council by the City Assessor shall be designated as the "South Temple Street Extension Special Assessment District 2005-3 Special Assessment Roll" in the final amount of **\$ 903,487.37**, and is hereby adopted and confirmed, and the City Clerk is hereby directed to endorse thereon this date of confirmation.
3. The special assessment roll shall be divided into fifteen (15) equal annual installments. The first installment shall be due on July 1, 2005, and the fourteen (14) subsequent installments shall be due on July 1 of the succeeding years thereafter. Special assessments may be paid in full on or before July 1, 2005, without interest. Thereafter, installments of the special assessment roll shall bear interest at the rate payable on City bonds, plus one percent (1%) per annum, commencing on July 1, 2005, payable annually on the due date of each installment after the first installment. If any installment is not paid when due then the same shall be deemed to be delinquent and there shall be collected thereon in addition to the interest above provided, a penalty at the rate of one percent (1%) for each month or fraction thereof that the same remains unpaid before being reported for reassessment upon the City tax roll. In the event the City Council determines that it is in the best interest of the district and the City at large to issue bonds pledging the receipts of said special assessment roll and the full faith and credit of the City; then and in that event, the interest on the unpaid installments shall be adjusted to not more than one percent (1%) greater than the average interest rate at which the bonds were sold. Said interest shall be payable annually on each installment due date.

4. Any of the unpaid balance due on the special assessment roll may be paid in full on any installment date, together with interest due to said payment date.

5. The assessments made in said special assessment roll are hereby ordered and directed to be collected. The City Clerk shall deliver the special assessment roll to the City Finance Director/Treasurer with the proper warrant attached, commanding the City Finance Director/Treasurer to collect the assessments therein in accordance with the directions of the City Council with respect thereto, and the City Finance Director/Treasurer is authorized and directed to collect the amounts assessed as they become due pursuant to the terms of this resolution and the provisions of the applicable statutes of the State of Michigan.

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

VOTE: Yes (5) Clark, Coady-Helbig, Johnson, Whipple, Naeyaert

No (2) Bruno, Mulvany

RESOLUTION APPROVED

Special Assessment Resolution No. 6, Project No. 2005-4

Special Assessment Resolution No. 6, Project No. 2005-4 was introduced by Whipple and seconded by Mulvany.

CITY OF MASON

**2005 RAYNER CREEK SANITARY DISTRICT
SPECIAL ASSESSMENT RESOLUTION NO. 6
PROJECT NO. 2005-4**

At a regular meeting of the City Council of the City of Mason, Ingham County, Michigan (the "City"), held in the City Hall, 201 West Ash Street, Mason, Michigan, on Monday, the 18th day of April, 2005, at 7:30 o'clock, p.m.

WHEREAS, pursuant to due notice to all interested parties, this City Council did meet on Monday, April 18, 2005, in the City Hall, 201 West Ash Street, Mason, Michigan, for the purpose of reviewing the special assessment roll and hearing any objections thereto for the Rayner Creek Sanitary Special Assessment District 2005-4; and

WHEREAS, at the time and place designated for said meeting, the meeting was duly called to order and the opening of the hearing for objections to the special assessment roll, prepared by the City Assessor and on file with the City Clerk, was announced, said roll assessing the cost of certain sanitary improvements against the benefiting properties; and

WHEREAS, objections were heard or filed in writing with the City Clerk and the following adjustment or corrections, if any, were made:

; and

WHEREAS, the City Council now desires to confirm the special assessment roll attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby designates the special assessment district as the "Rayner Creek Sanitary Special Assessment District 2005-4."

2. The special assessment roll as prepared and reported to the City Council by the City Assessor shall be designated as the "Rayner Creek Sanitary Special Assessment District 2005-4 Special Assessment Roll" in the final amount of **\$ 852,310.67**, and is hereby adopted and confirmed, and the City Clerk is hereby directed to endorse thereon this date of confirmation.

3. The special assessment roll shall be divided into fifteen (15) equal annual installments. The first installment shall be due on July 1, 2005, and the fourteen (14) subsequent installments shall be due on July 1 of the succeeding years thereafter. Special assessments may be paid in full on or before July 1, 2005, without interest. Thereafter, installments of the special assessment roll shall bear interest at the rate payable on City bonds, plus one percent (1%) per annum, commencing on July 1, 2005, payable annually on the due date of each installment after the first installment. If any installment is not paid when due then the same shall be deemed to be delinquent and there shall be collected thereon in addition to the interest above provided, a penalty at the rate of one percent (1%) for each month or fraction thereof that the same remains unpaid before being reported for reassessment upon the City tax roll. In the event the City Council determines that it is in the best interest of the district and the City at large to issue bonds pledging the receipts of said special assessment roll and the full faith and credit of the City; then and in that event, the interest on the unpaid installments shall be adjusted to not more than one percent (1%) greater than the average interest rate at which the bonds were sold. Said interest shall be payable annually on each installment due date.

4. Any of the unpaid balance due on the special assessment roll may be paid in full on any installment date, together with interest due to said payment date.

5. The assessments made in said special assessment roll are hereby ordered and directed to be collected. The City Clerk shall deliver the special assessment roll to the City Finance Director/Treasurer with the proper warrant attached, commanding the City Finance Director/Treasurer to collect the assessments therein in accordance with the directions of the City Council with respect thereto, and the City Finance Director/Treasurer is authorized and directed to collect the amounts assessed as they become due pursuant to the terms of this resolution and the provisions of the applicable statutes of the State of Michigan.

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

VOTE: Yes (5) Clark, Coady-Helbig, Johnson Whipple, Naeyaert

No (2) Bruno, Mulvany

RESOLUTION APPROVED

Recommendation – Professional Services for Feasibility Study for Drinking Water Treatment

Dean Informed Council about the process that the Qualifications-Based Selection Committee (QBS) used to interview the consultant team applicants. The QBS Committee recommended the WES/Jones & Henry/Layne team to perform a feasibility study for drinking water treatment.

MOTION by Clark, second by Johnson,
To authorize the City Administrator to begin negotiations with the WES/Jones & Henry/Lane team for a contract to perform a feasibility study on drinking water treatment for the City of Mason.
MOTION APPROVED UNANIMOUSLY

Request – Parade Permit – Memorial Day

MOTION by Whipple, second by Clark,
To approve the permit application requesting a Memorial Day Parade to be held on Monday, May 30, 2005 and to waive the fees.
MOTION APPROVED UNANIMOUSLY

Discussion – Code Enforcement

Howard informed Council regarding the protocol that he follows when implementing code enforcement issues. He had used the State LEIN System for identifying automobile owners. The Police Department is unable to access the State LEIN System for code enforcement purposes due to recent changes in State protocol rules. However, the State will set up an agreement with a community and provide access by issuing a user fee. McGinty stated that although it is often difficult to access residential property, and it is preferable to write tickets, an administrative search warrant can be obtained from the Magistrate to allow towing junk cars. McGinty referenced the memo he submitted addressing property maintenance contained in existing City nuisance codes. It was the consensus of the Council to request that the LEIN user information and contract be included on the next agenda, as well as the Code Violations Log and report.

UNFINISHED BUSINESS

Naeyaert initiated discussion regarding the microphones used in the Chambers, adding that the audio quality was substandard.

NEW BUSINESS

Mulvany suggested forming an advisory commission for city parks. Naeyaert stated that she would like the attendance record of all current boards and commissions.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

Naeyaert informed the Council regarding Mayoral duties performed, and her city representational attendance at various functions. She also thanked Colburn for testifying before the Senate Committee.

ADMINISTRATOR'S REPORT

Colburn informed the Council on current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

Being there was no further business, the meeting at 10:21 p.m.

Martin A. Colburn, City Clerk

Robin C. Naeyaert, Mayor