

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF April 17, 2006**

Clark called the meeting to order at 7:33 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Coady led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Joe Dean, Public Works Director
Bill Potter, City Engineer
Dennis McGinty, City Attorney
Deborah Cwierniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: April 17, 2006

The Minutes of April 3, 2006 were approved as submitted.

APPROVAL OF BILLS

MOTION by Bruno, second by Whipple,
to approve the payment of bills in the amount of \$74,075.38 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

It was discussed that MCAB was present and prepared to give a presentation to Council.

MOTION by Mulvany, second by Johnson,
to amend the agenda by adding *Mason Community Asset Builders (MACB) –
Presentation – Skate Park Event*, as the first item of regular business.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Mason Community Asset Builders (MCAB) – Presentation – Skate Park Event

Patrick Hoffman, MCAB Spokesperson, gave a brief presentation regarding the Skate Park Event that they would like to manage, and requested approval for the event. They requested to hold the event following the Mason Bank 5K-Run, May 5, 6:00 p.m. – 8:30 p.m. It would be an open invitation to the community. The Mason Optimist Club has been asked to fund the event by providing hot dogs and a drink for the first 500 guests, and A&W will be asked to provide their food trailer. Two bands, (family friendly) have agreed to provide entertainment free of cost. Modern Skate and Surf will participate as well. They have the Mason Key Club and Mason Boy Scout Troops involved in clean up. Their objective is to attract more youth to the park by taking advantage of the crowd that attends the 5-K Run.

Discussion ensued regarding the process and required permits.

MOTION by Bruno, second by Naeyaert,

to grant permission to MCAB use of the Skate Park, May 5, 6:00 p.m. – 8:30 p.m. subject to city code and requirements determined by the City Administrator.
MOTION APPROVED UNANIMOUSLY

Ordinance No. 149 – An Ordinance to Approve a Request to Rezone 8.08 Acres from AG Single Family Agricultural to C-2 Highway Commercial

Ordinance No. 149 was introduced by Mulvany and seconded by Coady. Discussion ensued.

Introduced: April 11, 2006
Public Hearing: April 11, 2006
Adopted: April 17, 2006

**CITY OF MASON
ORDINANCE NO. 149**

AN ORDINANCE TO ADOPT A RECOMMENDATION OF THE PLANNING COMMISSION TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 8.08 ACRES LOCATED ON THE WEST SIDE OF TEMPLE STREET SOUTH OF ASH STREET (M-36) NORTH OF KIPP ROAD FROM AG SINGLE FAMILY AGRICULTURAL TO C-2 HIGHWAY 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 as follows:

That property legally described as:

A part of the East ½ of Section 9, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning on the East-West ¼ line of said Section 9 at a point N89°41'01"W 491.01 feet from the East ¼ Corner of said Section 9, said point also being on the West right-of-way line of Temple Street; thence along said right-of-way line S00°03'13"E 490.38 feet; thence N45°01'22"W 283.00 feet; thence N89°59'30"W 360.71 feet; thence N00°03'18"W 606.45 feet; thence S87°30'09"E 9.81 feet; thence Northeasterly 126.05 feet along the arc of a 118.00 foot radius curve to the left whose chord bears N61°53'43"E 120.14 feet; thence N31°17'34"E 55.64 feet to the Southerly and Westerly right-of-way line of Temple Street; thence along said right-of-way line the following three courses: S58°42'26"E 365.14 feet; thence Southeasterly 222.14 feet along the arc of a 217.00 foot radius curve to the right whose chord bears S29°22'50"E 212.57 feet; thence S00°03'13"E 44.99 feet to the point of beginning containing 8.08 acres of land, more or less, and subject to any easements or rights-of-way of record.

be rezoned from AG Single Family Agricultural to C-2 Highway Commercial.

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.

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance 149, and 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.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Growth Management and Commercial Development Goals of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Mixed-Use Future Land Use Strategy of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the site is adequately served with the necessary public facilities, including public water and sanitary sewer.

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

The foregoing Ordinance was moved for adoption by Council Member Mulvany and supported by Council Member Coady, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of April, 2006.

Ordinance 149 declared adopted this 17th day of April, 2006.

Leon Clark, Mayor

Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

MOTION by Whipple, second by Coady,
to initiate rezoning of the property noted in Ordinance No. 149, to C3 under
the new Zoning Ordinance as soon it is put into effect.

MOTION APPROVED UNANIMOUSLY

**Ordinance No. 150 – An Ordinance to Approve a Request to Rezone 14.29 Acres from
AG Single Family Agricultural to M-1 Light Manufacturing**

Ordinance No. 150 was introduced by Coady and seconded by Mulvany.

Introduced: April 11, 2006
Public Hearing: April 11, 2006
Adopted: April 17, 2006

**CITY OF MASON
ORDINANCE NO. 150**

**AN ORDINANCE TO ADOPT A RECOMMENDATION OF THE PLANNING
COMMISSION TO AMEND THE USE DISTRICT MAP, AS ADOPTED
PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 14.29
ACRES LOCATED ON THE NORTHWEST CORNER OF THE
INTERSECTION OF TEMPLE STREET AND KIPP ROAD AND 9.76 ACRES
LOCATED ON THE NORTHEAST CORNER OF THE INTERSECTION OF
TEMPLE STREET AND KIPP ROAD FROM AG SINGLE FAMILY
AGRICULTURAL TO M-1 LIGHT MANUFACTURING**

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 as follows:

That property legally described as:

Parcel 2: A part of the Southeast ¼ of Section 9, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning on the South line of said Section 9, said line also being the North right-of-way line of Kipp Road, at a point N89°59'30"W 491.00 feet from the Southeast Corner of said Section 9; thence continuing along said line N89°59'30"W 560.71 feet; thence N00°03'13"W 1110.00 feet; thence S89°59'30"E 560.71 feet to the Westerly right-of-way line of Temple Street; thence along said line S00°03'13"E 1110.00 feet to the point of beginning containing 14.29 acres of land, more or less, and subject to any easements or rights-of-way of record.

Parcel 4: A part of the East ½ of Section 9, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning at a point on the East line of said Section 9, S00°03'13"E 1646.72 feet from the East ¼ Corner of said Section 9; thence continuing along said East line S00°03'13"E

1001.02 feet to the Southeast Corner of said Section 9, said point also being on the North right-of-way line of Kipp Road; thence along the South line of said Section 9 and said North right-of-way of Kipp Road N89°59'30"W 425.00 feet to the Easterly right-of-way line of Temple Street; thence along said right-of-way line N00°03'13"W 999.01 feet; thence N89°44'17"E 425.00 feet along the centerline of an 80' wide county drain easement to the point of beginning containing 9.76 acres of land, more or less, and subject to any easements or rights-of-way of record.

be rezoned from AG Single Family Agricultural to M-1 Light Manufacturing.

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.

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance 150, and 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.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Growth Management and Commercial Development Goals of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Mixed-Use Future Land Use Strategy of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the site is adequately served with the necessary public facilities, including public water and sanitary sewer.

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

The foregoing Ordinance was moved for adoption by Council Member Coady and supported by Council Member Mulvany with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of April, 2006.

Ordinance 150 declared adopted this 17th day of April, 2006.

Leon Clark, Mayor

Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

Ordinance No. 151 – An Ordinance to Approve a Request to Rezone 2.92 Acres from AG Single Family Agricultural and RS-1 Single Family Residential to O-1 Office

Ordinance No. 151 was introduced by Coady and seconded by Mulvany.

Introduced: April 11, 2006
Public Hearing: April 11, 2006
Adopted: April 17, 2006

**CITY OF MASON
ORDINANCE NO. 151**

AN ORDINANCE TO ADOPT A RECOMMENDATION OF THE PLANNING COMMISSION TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT TO SECTION 94-62 OF THE MASON CODE, TO REZONE 2.92 ACRES LOCATED ON THE EAST SIDE OF CEDAR STREET APPROXIMATELY 400 FEET NORTH OF KIPP ROAD IN THE SOUTHEAST 1/4 OF SECTION 8 OF THE CITY OF MASON

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 as follows:

That property legally described as:

PARCEL 1 – A part of the Southeast ¼ of the Southeast ¼ of Section 8, T2N, R1W, City of Mason, Ingham County, Michigan, described as beginning at a point on the East Section line N0004'31"E 403.00 feet from the Southeast corner of said Section 8; thence N8955'35"W 495.00 feet parallel with the South Section line of said Section 8 to the Easterly Right of Way line of Cedar Street; thence along said Easterly Right of Way line Northwesterly 408.36 feet along the arc of a 358.70 foot radius curve to the left whose chord bears N3232'20"W 386.66 feet and whose central angle is 6513'42; thence S8955'35"E 508.40 feet parallel with said South Section line; thence S0004'31"W 273.00 feet parallel with said East Section line; thence S8955'35"E 195.00 feet parallel with said South Section line to a point on said East Section line; thence S0004'31"W 52.70 feet along said East Section line to the point of beginning, containing 2.92 acres of land more or less, and subject to any easements or rights of way of record.

be rezoned from AG Single Family Agricultural and RS-1 Single Family Residential to O-1 Office.

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.

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance 151, and 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.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Growth Management and Commercial Development Goals of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Mixed-Use Future Land Use Strategy of the Master Plan.

THE CITY OF MASON FURTHER ORDAINS: That the site is adequately served with the necessary public facilities, including public water and sanitary sewer.

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

The foregoing Ordinance was moved for adoption by Council Member Coady and supported by Council Member Mulvany with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of April, 2006.

Ordinance 151 declared adopted this 17th day of April, 2006.

Leon Clark, Mayor

Martin A. Colburn, City Clerk

ORDINANCE APPROVED UNANIMOUSLY

First Reading - Ordinance No. 152 – An Ordinance to Approve Amendments to Chapters 1, 74, 94 and 100 of the Mason Code as They Relate to Zoning

MOTION by Whipple, second by Coady,
to amend the proposed Ordinance No. 152, per the document entitled "Proposed Amendment #1.

MOTION APPROVED UNANIMOUSLY

MOTION by Whipple, second by Coady,
to amend the proposed Ordinance No. 152, per the document entitled "Proposed Amendment #2.

MOTION APPROVED UNANIMOUSLY

MOTION by Whipple, second by Naeyaert, to consider the proposed Ordinance No 152 as read for the first time, subject to correcting the word "facility" on page 36, under D-1.

MOTION APPROVED UNANIMOUSLY

Ordinance No. 152 was introduced by Coady and seconded by Mulvany.

Whipple suggested that each Planning Commissioner should be notified in writing that Ordinance No.152 has been amended as well as final reading and adoption consideration will occur at the May 1 meeting and invite them to attend if they wish to comment.

MOTION by Whipple, second by Coady, to refer to the Planning Commission that they study the possibility of adding community commercial centers to Section 143 of the Ordinance as a special use and consider limiting the size of such commercial community centers to 20,000 square feet; limiting the size of any use in that zone to 20,000 square feet. A recommendation is requested to be returned by the July 17th meeting with their findings, or an update.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2006-14 – A Resolution Adopting a Final Project Plan for Water System Improvements and Designating an Authorized Project Representative

Resolution No. 2006-14 was introduced by Mulvany and seconded by Coady. A very lengthy discussion ensued. Naeyaert provided several documents regarding water system requirements and related information.

MOTION by Whipple, second by Johnson, to amend Resolution No. 2006-14 by striking Ion Exchange, and insert HMO filtration, in the second whereas and the now therefore be it resolved, paragraphs. Yes (3) ~~Coady, Mulvany~~ Clark, Naeyaert, Whipple
No (4) Bruno, ~~Clark~~ Coady, Johnson, Mulvany ~~Naeyaert~~

MOTION FAILED

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2006- 14
A RESOLUTION ADOPTING A FINAL PROJECT PLAN
FOR WATER SYSTEM IMPROVEMENTS AND
DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE
APRIL 17, 2006**

WHEREAS, the City of Mason recognizes the need to make improvements to its existing water treatment and distribution system; and

WHEREAS, the City of Mason authorized the project consulting team of Wolverine Engineers & Surveyors, Inc., and Jones & Henry Engineers, Ltd., and Layne-Christensen Co. to prepare a Project Plan, which recommends the construction of a centralized ion exchange water treatment facility; and

WHEREAS, said Project Plan was presented at a Public Hearing held on April 10, 2006 and all public comments have been considered and addressed;

NOW THEREFORE BE IT RESOLVED, that the City of Mason formally adopts said Project Plan and

agrees to implement the selected alternative of construction of a centralized ion exchange water treatment facility.

BE IT FURTHER RESOLVED, that the City Administrator, a position currently held by Martin A. Colburn, is designated as the authorized representative for all activities associated with the project referenced above, including the submittal of said Project Plan as the first step in applying to the State of Michigan for a Drinking Water Revolving Fund Loan to assist in the implementation of the selected alternative.

Yes: (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
No: (0)

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, April 17, 2006 the original of which is part of the City Council minutes.

Martin A. Colburn, City Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

A brief recess was taken at 9:40 p.m. and reconvened at 9:45 p.m.

Bid Audit Services

Revels spoke regarding the bids received for audit services and highly recommended Plante Moran. Discussion ensued regarding the cost range of the firms.

MOTION by Coady, second by Whipple,
to accept the bid of \$21,725 for 275 hours in 2006, and \$22,375 for 275 hours in
2007, from the firm of Plante Moran for auditing services.

Yes (4) Coady, Mulvany, Naeyaert, Whipple
No (3) Bruno, Johnson, Clark

MOTION APPROVED

Motion – Renewal of Fire Service Contracts with Aurelius and Vevay Townships

MOTION by Whipple, second by Johnson,
to accept the three-year Fire Service Contracts with Aurelius Township and
Vevay Township as presented.

MOTION APPROVED UNANIMOUSLY

Request – Mason Farmers Market Association, Inc.

Phil Birdsall, DDA Director, and Elaine Ferris, last year's Market Master were present. Mr. Birdsall gave a brief presentation of the plans for this year's Farmers Market.

MOTION by Whipple, second by Coady,
to approve the request of the Farmers Market to use the right-of-way, per the letter
of request, subject to appropriate liability coverage with the City named as the
additionally insured is provided; in addition, all permits and fees will be waived.

MOTION APPROVED UNANIMOUSLY

Proclamation – Arbor Day

At its March 29, 2006 meeting, the Tree Commission selected the Future Farmers of America (FFA), of Mason Public Schools, as the Mason Arbor Day Honoree for 2006. Arbor Day will be celebrated Friday, April 28, at the “red” sugar bush building at noon where a tree of their choice will be planted. The City has been named a Tree City USA by the National Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service. It is the fifteenth year Mason has received this national recognition.

UNFINISHED BUSINESS

Johnson asked if sump pump collector stub connections were being funded through the street fund and if installation is being done at the same time as street construction; Colburn stated yes.

NEW BUSINESS

Whipple asked if a sump pump collector stub connection was being put in place for every residence throughout street construction. Colburn stated that he would verify how and when connections are being done.

Naeyaert informed the Council that a spaghetti dinner fund raiser would be held May 8 at A&W for Angel House. As of today, Angel House is licensed to accept child placement.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Clark informed the Council regarding Downtown Development Authority business.

ADMINISTRATOR’S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

Being there was no further business the meeting adjourned at 10:30 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor