

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 7, 2007**

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Bruno led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple
Absent: Councilmember: Preadmore
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Deborah Cwierniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: May 21, 2007

The Minutes of May 21, 2007 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Whipple,
to approve the payment of bills in the amount of \$150,825.97 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

2006 CADL Annual Report – Barbara Faiks –Mason Library Branch

Barbara Faiks, CADL Library Head of the Mason Branch presented the CADL 2006 Annual Report. Also present representing the library were Board Member Debora Bloomquist and Finance Director Pat Taylor.

Second Reading and Adoption - Ordinance No. 160 – An Ordinance to Amend Section 46-34 – Hours of Operation – of Chapter 46 – Parks and Recreation – of the Mason City Code

Discussion ensued to consider restricting the use of Hayes or Bond Parks for athletic events. The amendment does not set an expiration date or limit the use, leaving it to the city administrator's discretion. Also, the issue which drove the amendment, is no longer an issue with the softball association because a team withdrew from one of the leagues; however, the exceptional use of the parks may likely be an issue in the future.

Motion by Whipple, second by Preadmore,
to consider Ordinance No. 160 as read for the second time and adopted.
Yes (5 Coady, Mulvany, Naeyaert, Preadmore, Whipple, Clark
No (1) Bruno
Absent (1) Preadmore
MOTION APPROVED

**CITY OF MASON
ORDINANCE NO. 160**

AN ORDINANCE TO AMEND SECTION 46-34 - HOURS OF OPERATION - OF
CHAPTER 46 - PARKS AND RECREATION - OF THE MASON CITY CODE.

THE CITY OF MASON ORDAINS:

Section 46-34, Hours of operation, of Chapter 46 of the Mason City Code is hereby amended to read as follows:

Sec. 46-34. Hours of operation.

(a) During the months of May through October, the city parks shall be open to the public during the hours of 8:00 a.m. to 10:00 p.m. of every day. In addition, Hayes Park and Bond Park may remain open until 11:00 p.m. during organized athletic events sponsored by an area school or other nonprofit sponsoring organization, provided the organization obtains the written approval of the city administrator and designates a responsible individual who should be present during the event. No organization shall be granted approval to occupy Hayes Park or Bond Park after 10:00 p.m. for more than two events per week, except that approval may be granted for more than two events per week if determined necessary by the city administrator.

(b) During the months of November through April, the parks shall be opened daily to the public during the hours of 8:00 a.m. to one-half hour after sunset; however, the director of parks and cemeteries may keep open until 10:00 p.m. those parks he may designate for public ice skating or other organized winter activities sponsored by the city.

(c) Any section or part of a park may be declared closed to the public by the director of parks and cemeteries at any time and for any interval of time, either temporarily or at regular or stated intervals.

(d) It shall be unlawful for any person (other than city personnel conducting city business) to occupy or be present in any park during any hours in which the park is not open to the public.

Effective Date. This Ordinance is hereby declared immediately necessary for the preservation of the public peace, health, or safety and shall take effect immediately upon the posting of copies of this ordinance in conspicuous locations in ten public places pursuant to § 7.4 of the City Charter.

The foregoing Ordinance was moved for adoption by Council Member Bruno and supported by Council Member Naeyaert, and adopted with the vote thereon being: YES (6) NO (1), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 21st day of May, 2007.

Yes (5) Coady, Mulvany, Naeyaert, Preadmore, Whipple, Clark

No (1) Bruno

Absent (1) Preadmore

ORDINANCE APPROVED

Resolution No. 2007-20 – Ingham County Drain Commission Assessment for Maintenance of Rayner Creek Drain

Pat Lindeman, Ingham County Drain Commissioner, spoke regarding the maintenance of Rayner Creek drain, which would necessitate placing an assessment upon property owners that contribute to the Rayner Creek Drain. A very lengthy discussion ensued regarding various aspects of the project and its time line. Commissioner Lindeman stated that the project could span over the next two years, and possibly four years. Council expressed their wish to have it completed in one year, at which he stated that he is looking at that. Resolution No. 2007-20 was introduced by Naeyaert and seconded by Bruno.

CITY OF MASON CITY COUNCIL RESOLUTION NO. 2007-20 INGHAM COUNTY DRAIN COMMISSION ASSESSMENT FOR MAINTENANCE OF RAYNER CREEK DRAIN May 21, 2007

WHEREAS, the Ingham County Drain Commissioner is in the process of working with the City of Mason to perform maintenance on the Rayner Creek Drain in coordination with road and sanitary sewer improvements to be performed by the City of Mason; and

WHEREAS, pursuant to Section 196 of the Michigan Drain Code (MCL 280.196; MSA 11.1196), and inspection has been made of the Rayner Creek drain and it has been determined, as a result of the inspection, that certain maintenance must be performed upon the Drain that will exceed the annual spending limitation of \$2,500/mile; and

WHEREAS, the Drain Code provides for the expenditure of funds in excess of the annual \$2,500/mile limitation upon approval by Resolution of the governing body of each township, city, and village affected by more than twenty (20%) percent of the cost; and

WHEREAS, the Ingham County Drain Commissioner estimates that the cost for the remainder of the maintenance of the Rayner Creek Drain will be approximately \$70,000 which constitutes \$67,500 in excess of the authorized \$2,500 based on the total drain length; and

WHEREAS, the City of Mason is the only municipality affected by more than twenty (20%) percent of the cost of the maintenance of the Rayner Creek Drain; and

WHEREAS, Ingham County agrees to pay for their component within the Rayner Creek Drain for the work conducted with Ingham County Rayner Park and Fairgrounds; and

WHEREAS, the dredging of the two ponds located in Ingham County Rayner Park will not be a part of this spending resolution;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Mason, that pursuant to Section 196 of the Drain Code, the Ingham County Drain Commissioner is authorized to expend money for the maintenance and repair of the Rayner Creek Drain in excess of Two Thousand Five Hundred and no/100 (\$2,500) Dollars per mile annually in the years 2007 through 2010 and, to the extent that the drain fund for the Drain contains insufficient funds for the payment of costs incurred for the maintenance or repair of the Drain, then the Ingham County Drain Commissioner is authorized to levy a special assessment, as allowed by law, not to exceed a total of \$70,000.

Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple

No (0)

Absent (1) Preadmore

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-22 – Fireworks Display Agreement

Resolution No. 2007-22 was introduced by Bruno and seconded by Naeyaert.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2007-22
FIREWORKS DISPLAY AGREEMENT
May 21, 2007**

BE IT HEREBY RESOLVED, by the City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department to hold a fireworks display on the evening of July 4, 2007 in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.

FURTHER RESOLVED, that the lease agreement with the Ingham County Fair Grounds be signed by the Mayor and the City Administrator on behalf of the City of Mason for use of the facilities that day.

Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple

No (0)

Absent (1) Preadmore

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2007-23 – City Park Banner Sales License Agreement

Colburn recommended deferring Resolution No. 2007-23 due to conflict regarding interpretation from the city attorney.

Motion by Whipple, second by Bruno,
to defer Resolution No. 2007-23 until the city administrator presents it brings it back to us.

MOTION APPROVED UNANIMOUSLY

Motion – Sale of Tanker 811 Fire Truck

Motion by Bruno, second by Naeyaert,
to authorize the city administrator to sell the old Tanker 811 (tractor and trailer) to the Onondaga Fire Department for \$1.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS 2 of 2

Discussion – Ordinance No. 159 – Signs (Draft – May 11, 2007)

It was the consensus of the Council to discuss the draft sign ordinance for the next 45 minutes. Issues discussed

included the following:

- Downtown sandwich board signs
- Section 58-127 (C2/C3)
- Code Board of Appeals membership
- Reconsideration of the formula for sign ratio
- Cedar Street
 - The Master Plan intentions for the ascetics of Cedar Street
 - Redirection for the Master Plan ascetics of Cedar Street

NEW BUSINESS

Councilmember Christine Coady - Letter

Coady informed Council that she was submitting her letter of resignation from the City Council. Current Ordinances and the City Charter do not allow councilmembers to serve if they are not registered voters in the city. She will be married in June and is moving from the community. However, she will be spending time in Mason. She has family in Mason, will continue to volunteer in Mason, and will remain active in the Mason Rotary Club. Council commended her service, thanked her, and wished her well.

Discussion followed to publish notice of the vacancy requesting interested parties to submit a letter of interest and resume by Monday, June 4, 2007 at 4:00 p.m. The matter will be discussed at the June 4th meeting. Applicants are encouraged to attend and speak at the People from the Floor. The Council would make an appointment to fill the vacancy at the June 18th meeting by a majority vote of the Council for the unexpired term.

- Clark spoke briefly regarding the value of the bi-annual Joint Recognition Ceremony between the City and the School District.
- Bruno informed Council that he attended the American Legion annual ceremony recognizing members for their years of service. Mayor Clark presented a proclamation to Doug Williams for his 22 years of service; he is resigning as post commander to pursue working with veterans on a national level. Bruno stated that he presented a tribute to Mr. Williams from Senator Garcia, Representative Byrum, and Governor Granholm.
- Naeyaert added that Mr. Williams has become the State Legislative Director for veterans. Naeyaert informed Council regarding Mason Middle School History teacher Scott Shattuck's, "An Historical Ghost Tour." His students portray notable members of the Mason historic community.

Naeyaert informed Council that the DPW fence is in need of attention.

Preadmore stated that he will be attending an out-of-state conference and will be unable to attend the May 21, 2007 regular meeting; he requested to be excused.

Motion by Whipple, seconded by Preadmore,
to excuse Councilmember Preadmore from the May 21, 2007 regular meeting.
MOTION APPROVED UNANIMOUSLY

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Naeyaert informed Council regarding Planning Commission business.
- Clark informed Council regarding Downtown Development Authority business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

Elaine Ferris thanked Christine Coady for her service to the city, especially on the Library Board and encouraged her to continue in that role in the future.

ADJOURNMENT

The meeting adjourned at 9:55 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor