

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF MARCH 17, 2008**

Clark called the meeting to order at 7:33 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, Mulvany, Naeyaert, Preadmore, Waltz, Whipple  
Absent: Councilmember: Bruno  
Also present: Martin Colburn, City Administrator/Clerk  
Kathy Revels, Finance Director/Treasurer  
Dennis McGinty, City Attorney  
Deborah Cwierniewicz, Deputy City Clerk  
David Haywood, Planning & Zoning Director  
Jessica Besaw, Planning Intern  
Rolly Olney, Public Works Director

**APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: March 3, 2008**

The Minutes of March 3, 2008, were approved as submitted.

**APPROVAL OF BILLS**

MOTION by Preadmore, second by Whipple,  
to approve the payment of bills in the amount of \$611,323.96 as submitted.  
MOTION APPROVED UNANIMOUSLY

**PEOPLE FROM THE FLOOR**

None.

**PUBLIC HEARING**

**Five-Year Update to the Community Recreation Plan**

Clark opened the public hearing at 7:40 p.m. Haywood informed Council regarding the five-year update to the Community Recreation Plan. It was prepared by the Zoning and Development Department, along with Planning Intern Jessica Besaw. Community meetings were held to gather input.

Barbara Tornholm, Planning Commission Member, stated that she has had the opportunity to review and comment on the Recreation Plan. She commended staff for an exceptional job. She expressed support of acquiring a YMCA. Clark closed the public hearing at 7:45 p.m.

**Resolution No. 2008-10 – A Resolution Adopting the Mason Five-Year Recreation Plan 2008-2013**

Resolution No. 2008-10 was introduced by Naeyaert and seconded by Mulvany.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2008-10  
A RESOLUTION ADOPTING THE MASON FIVE-YEAR RECREATION PLAN 2008-2013  
March 17, 2008**

**WHEREAS**, the City of Mason has prepared a Five-Year Recreation Plan which describes the physical features, existing recreation facilities and the desired actions to be taken to improve and maintain recreation facilities during the planning period between 2008 and 2013, and

**WHEREAS**, two community workshops were held on January 17 and 22, 2008, in the Community Room at the Mason City Hall to provide an opportunity for citizens to provide input regarding recreation opportunities within the community, and

**WHEREAS**, citizens were afforded thirty days to review and provide comments on a draft of the Five-Year Recreation Plan prior to the Mason City Council taking formal action to adopt the plan, and

**WHEREAS**, a public hearing was held on March 17, 2008, in the Council Chamber at the Mason City Hall to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the Five-Year Recreation Plan, and

**WHEREAS**, the City of Mason has developed the plan for the benefit of the entire community and to adopt the plan as a document to assist in meeting the recreation needs of the community, and

**NOW THEREFORE BE IT RESOLVED**, that the City Council adopts the Mason Five-Year Recreation Plan 2008-2013 as a guideline for improving recreation for the residents of the City of Mason.

**RESOLUTION APPROVED UNANIMOUSLY**

**Michigan Department of Natural Resources Trust Fund Grant Application**

Clark opened the public hearing at 7:48 p.m. Haywood informed Council regarding the application to the Michigan Department of Natural Resources Trust Fund for a grant to connect a non-motorized trail that would extend the existing trail through the city cemetery, through Bond Park, to Laylin Park, through Ingham County Rayner Park, to Mason High School to accomplish linking the recreational resources together, ultimately linking them to the regional trail system. The Grant Application narrative was developed primarily by Planning Commission Member Barbara Tornholm and the application was developed with assistance from Planning Intern Jessica Besaw. The grant requires City Council to commit local matching funds. The project is estimated to cost \$496,500.00; calculated at 33%, matching funds are estimated to be \$163,800.00. Clark closed the public hearing at 7:55 p.m.

**Resolution No. 2008-11 – A Resolution to Approve Matching Funds for the Mason Linear Trail Grant Application**

Resolution No. 2008-11 was introduced by Naeyaert and seconded by Mulvany.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2008-11  
A RESOLUTION TO APPROVE MATCHING FUNDS  
FOR THE MASON LINEAR TRAIL GRANT APPLICATION  
March 17, 2008**

**WHEREAS**, the City of Mason has prepared a grant application to the Michigan Natural Resources Trust Fund for the construction of a linear trail that would connect the Hayhoe Riverwalk Trail with Maple Grove Park, Bond Park, Laylin Park, Rayner Park and the Mason High School, and

**WHEREAS**, the proposed project described in the grant application is an action item listed in Section VIII of the Mason Five-Year Recreation Plan 2008 - 2013, and

**WHEREAS**, the estimated project cost, including matching obligations, is as follows:

General Funds (City of Mason match)	\$100,000
State Funds (MDOT Transportation Enhancement)	\$ 63,800
<u>Grant Amount Requested</u>	<u>\$332,700</u>
Total Project Cost	\$496,500

**WHEREAS**, a public hearing was held on March 17, 2008, in the Mason City Hall Council Chambers to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the grant application, and

**NOW THEREFORE BE IT RESOLVED**, the City Council commits to expending \$100,000, in the fiscal year 2009 – 2010, as local matching funds to the Michigan Natural Resources Trust Fund grant for the construction of the Mason Linear Trail.

**RESOLUTION APPROVED UNANIMOUSLY**

MOTION by Whipple, second by Preadmore,  
to amend the agenda by moving Regular Business Item No. 7(H) to Item No. 7(A), adjusting the remaining regular business items accordingly.

**MOTION APPROVED UNANIMOUSLY**

**REGULAR BUSINESS**

**Motion – Bid – Standby Generator Project – Fire Department – Station No. 1**

An extensive discussion ensued regarding the location site for a generator servicing the fire station and the possibility of a common generator with the fire station and future city hall facility, as well as the budget appropriation.

MOTION by Whipple, second by Preadmore,  
to defer agenda item 7(H) – Bid – Standby Generator Project – Fire Department – Station #1, until such time that staff can report back after having studied installation of the generator in conjunction of the new city hall.

Yes (3) Mulvany, Preadmore, Whipple

No (3) Clark, Naeyaert, Waltz

Absent (1) Bruno

**MOTION FAILED**

MOTION by Naeyaert, second by Waltz,  
to accept the bid from Lutz Electric of Holt, Michigan in the amount of \$34,500.00 and to purchase the five-year optional maintenance agreement for an additional \$1,600.00 for the purchase and installation of a backup generator, for the total amount of \$36,100.00.

Yes (4) Clark, Mulvany, Naeyaert, Waltz

No (2) Preadmore, Whipple

Absent (1) Bruno

**MOTION APPROVED**

MOTION by Preadmore, second by Waltz,  
to approve a \$6,100.00 budget amendment in the Capital Out Lay line item.

Yes (5) Clark, Mulvany, Naeyaert, Preadmore, Waltz

No (1) Whipple

Absent (1) Bruno

**MOTION APPROVED**

**Ordinance No. 164 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62 of the Mason Code, to Rezone 4.65 Acres Located on the North Side of Ash Street (M-36) East of Temple Street from C-2 General Commercial to RM Multiple Family Residential**

Dennis Anderson, trustee of the Arthur and Alice Jewett Trust, stated that he requested rezoning 4.65 acres located on the north side of Ash Street (M-36) east of Temple Street from C-2 General Commercial to RM Multiple Family Residential. He plans to sell a portion of the 4.65 acres for the construction of an assisted living development.

Discussion ensued whether the ordinance required being read into the record. It was the opinion of City Attorney McGinty that a motion to adopt was required.

MOTION by Preadmore, second by Naeyaert,  
to approve Ordinance No. 164.

MOTION APPROVED UNANIMOUSLY

**CITY OF MASON  
ORDINANCE NO. 164**

**AN ORDINANCE TO AMEND THE USE DISTRICT MAP, AS ADOPTED PURSUANT  
TO SECTION 94-62 OF THE MASON CODE, TO REZONE 4.65 ACRES LOCATED  
ON THE NORTH SIDE OF ASH STREET (M-36) EAST OF TEMPLE STREET FROM  
C-2 GENERAL COMMERCIAL TO RM MULTIPLE FAMILY RESIDENTIAL.**

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 B: Beg. at a point in the East line of Section 9, S00°21'35"W 1662.79 feet (Deed S00°19'16"W 1664.51 feet) from the NE Corner of Section 9, T2N, R1W, Vevay Township, City of Mason, Ingham County, Michigan, thence N76°28'12"W 667.73 feet; thence S13°30'00"W 328.13 feet to the North line of Ash Street (M-36); thence S76°36'24"E 574.56 feet along the North line of Ash Street; thence N00°21'35"E 198.00 feet; thence S89°38'23"E 132.00 feet; thence S00°21'35"W 228.57 feet to the North line of Ash Street (M-36); thence S76°36'24"E 33.87 feet along the North line of Ash Street to the East line of said Section 9; thence N00°21'35"E 335.18 feet along the East line of said Section 9 to the point of beginning and containing 4.65 acres of land and subject to all easements of record.

be rezoned from C-2 General Commercial to RM Multiple Family Residential; and

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, including this ordinance number and the date of adoption thereof; and

THE CITY OF MASON FURTHER ORDAINS: That the attached map evidencing this change shall be marked and designated as Ordinance No. 164, and that 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, and

THE CITY OF MASON FURTHER ORDAINS: That the requested rezoning is consistent with the Growth Management component, Residential Development Goals and the Residential Areas Land Use Strategy of the Master Plan, and is compatible with the overall encouraged development pattern for this area of the City; and

THE CITY OF MASON FURTHER ORDAINS: That the necessary public facilities, including public water, sanitary sewer and storm sewer are within a reasonable distance from the site, and if extended, would adequately serve the site; and

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

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published within fifteen days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and supported by Council Member Mulvany, with a vote thereon being: YES (6) NO (0) ABSENT (1), 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 March, 2008.

ORDINANCE APPROVED UNANIMOUSLY

**Resolution No. 2008-12 – Change Order – 2008 Street Project**

Resolution No. 2008-12 was introduced by Naeyaert and seconded by Mulvany.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2008- 12  
Resolution to Approve Change Order for 2008 Street Program  
March 17, 2008**

**WHEREAS**, a revised five year street reconstruction program was prepared and approved on December 3, 2007 by Resolution No. 2007-52; and

**WHEREAS**, the city of Mason let a bid for the 2006 local street improvement program, which were publicly opened on March 7, 2006; and

**WHEREAS**, staff negotiated a rate and prepared a change order to the 2006 Local Street Improvement Program contract with Aggregate Industries-Mason Division in the amount of \$269,162.45; and

**WHEREAS**, the City of Mason also has included for replacement of a storm water culvert at the DPW property located on Jefferson Street in the current budget which is included in this change order (Section G.),

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council does hereby approve the change order for the 2008 Local Street Improvement program and does hereby direct the City Administrator to execute the Change Order as presented.

**RESOLUTION APPROVED UNANIMOUSLY**

**Resolution No. 2008-13 – Liquor License – Transfer Ownership of Class C Licensed Business Located at 117 S. Cedar Street from Darb’s Tavern & Eatery**

Resolution No. 2008-13 was introduced by Naeyaert and seconded by Mulvany.

**CITY COUNCIL RESOLUTION NO. 2008-13  
LIQUOR LICENSE – TRANSFER OF OWNERSHIP OF CLASS C LICENSED  
BUSINESS LOCATED AT 117 S. CEDAR STREET FROM DARB’S TAVERN &  
EATERY TO HEARIT, INC.  
March 17, 2008**

At a Regular meeting of the Mason City Council  
(Regular or Special) (Township Board, City or Village Council)

called to order by Mayor Clark on March 17, 2008 at 7:30 P.M.

The following resolution was offered:

Moved by Robin Case Naeyaert and supported by James Mulvany

**That the request to TRANSFER OWNERSHIP OF 2007 CLASS C LICENSED BUSINESS, LOCATED AT 117 S. CEDAR, MASON, MI 48854, INGHAM COUNTY, FROM DARB'S TAVERN & EATERY, INC. TO HEARIT, INC.; AND CONTINUE OFFICAL PERMIT (FOOD).**

be considered for Approval  
(Approval or Disapproval)

**APPROVAL**

**DISAPPROVAL**

Yeas: (6) Clark, Mulvany, Naeyaert,

Yeas: \_\_\_\_\_

Preadmore, Waltz, Whipple

Nays: (0)

Nays: \_\_\_\_\_

Absent:: (1) Bruno \_\_\_\_\_

Absent:: \_\_\_\_\_

It is the consensus of this legislative body that the application be:

\_\_\_\_\_ Recommended \_\_\_\_\_ for issuance  
(Recommended or Not Recommended)

State of Michigan )  
County of Ingham )

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the Mason City Council at a Regular  
(Township Board, City or Village Council) (Regular or Special)

meeting held on March 17, 2008  
(Date)

(Signed) \_\_\_\_\_  
(Township, City or Village Clerk)

201 W. Ash Street, Mason, MI 48854  
(Mailing address of Township, City or Village)

**RESOLUTION APPROVED UNANIMOUSLY**

**Motion – Special Alternative Incarceration (SAI) Public Works Agreement**

Colburn informed Council that the agreement submitted by the SAI has doubled the rate of pay per worker; however, the budgeted line item will not be increased.

MOTION by Whipple, second by Naeyaert,  
to authorize the City Administrator to enter into the 2008 Public Works  
Agreement with the Michigan Department of Corrections.

**MOTION APPROVED UNANIMOUSLY**

**Motion – Bid – Maple Grove Cemetery Expansion**

Colburn informed Council that the Maple Grove Cemetery expansion budget amount was based on a former lower quote. Therefore, the submitted bid reflects an accurate estimate of costs for the project.

MOTION by Whipple, second by Naeyaert,  
to accept the bid from Land Design Collaborative & Wolverine Engineers & Surveyors,  
Inc., for the development of an expansion plan for Maple Grove Cemetery in the  
amount of \$12,600.00 and approve a \$6,600.00 budget amendment.

**MOTION APPROVED UNANIMOUSLY**

**UNFINISHED BUSINESS**

Whipple raised a point of order regarding Ordinance No. 164. He cited that the Mason City Council Rules of Order require that any ordinance be read into the record and that it must be done before it is introduced or considered, either by reading it or by a motion to consider it read. He questioned if there were a need to reconcile the error. City Attorney McGinty stated that the City Charter does not require that the ordinance be read. It requires that it be moved for adoption. As a practical matter, the Planning Commission previously introduced the ordinance and it has been published in the newspaper. It is before Council as a standing order of business on the agenda so it can be moved to vote on it, following Robert's Rules of Order and the City Charter. A brief discussion ensued.

**NEW BUSINESS**

MOTION by Waltz, second by Whipple,  
to excuse Councilmember Robin Naeyaert from the April 5, 2008, regular  
meeting.

MOTION APPROVED UNANIMOUSLY

**CORRESPONDENCE**

Distributed.

**LIAISON REPORTS**

Mulvany informed Council regarding current Historic District Commission business. Naeyaert informed Council regarding current Planning Commission business. Clark informed Council regarding current Downtown Development Business.

**ADMINISTRATOR'S REPORT**

Colburn informed Council regarding current city business.

**PEOPLE FROM THE FLOOR**

None.

**ADJOURNMENT**

The meeting adjourned at 9:35 p.m.

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Martin A. Colburn, City Clerk

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Leon Clark, Mayor