

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 1, 2009**

Clark called the meeting to order at 7:30 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, Ferris, Naeyaert, Tornholm, Waltz
Absent: Councilmember: Johnson
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

Clark stated that Councilmember Johnson called to inform Council that he would be held over at work and unable to attend the meeting.

APPROVAL OF MINUTES: May 18, 2009 and May 26, 2009

The Minutes of May 18, 2009 and May 26, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of \$290,352.69 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Second Reading – Ordinance No. 165 – An Ordinance to Amend the Code of the City of Mason by Adding Chapter 60 – Soil Erosion and Sedimentation Control – Consisting of Sections 60-1, 60-2, 60-3, 60-4, 60-5, 60-6, 60-7, 60-8, 60-9, 60-10, 60-11, 60-12, 60-13, 60-14, 60-15, 60-16, 60-17, And 60-18

MOTION by Naeyaert, second by Waltz,
to consider Ordinance No. 165 as read for the second time and adopted.
Yes (5) Clark, Ferris, Naeyaert, Tornholm, Waltz
No (1) Bruno
Absent: (1) Johnson
MOTION APPROVED

CITY OF MASON
ORDINANCE NO. 165

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF MASON BY ADDING CHAPTER 60 –
SOIL EROSION AND SEDIMENTATION CONTROL – CONSISTING OF SECTIONS 60-1, 60-2, 60-3,
60-4, 60-5, 60-6, 60-7, 60-8, 60-9, 60-10, 60-11, 60-12, 60-13, 60-14, 60-15, 60-16, 60-17, and 60-18

THE CITY OF MASON ORDAINS:

That Chapter 60 – Soil Erosion and Sedimentation Control –Sections 60-1, 60-2, 60-3, 60-4, 60-5, 60-6, 60-7, 60-8, 60-9, 60-10, 60-11, 60-12, 60-13, 60-14, 60-15, 60-16, 60-17, and 60-18 be added to the Code of the City of Mason, which Chapter shall read as follows:

CHAPTER 60 – SOIL EROSION AND SEDIMENTATION CONTROL

60-1. Purposes. The purpose of this Soil Erosion and Sedimentation Control Chapter is to prevent soil erosion and sediment from earth change activities within the City of Mason by requiring proper provisions for water disposal and the protection of soil surfaces during and after construction, in order to promote the safety, public health, convenience, and general welfare of the community and to insure compliance with Part 91 of 1994 PA 451 and the rules promulgated thereunder.

60-2. Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter:

- (1) *Accelerated Soil Erosion.* The increased loss of the land surface that occurs as a result of human activities.
- (2) *Act 451.* The Michigan Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, being MCL 324.101, *et seq.*
- (3) *Certification of Completion.* A signed, written statement by the Zoning and Development Director or designee that specific construction has been inspected and found to be in general conformance with the approved grading plans and specifications.
- (4) *Drainage Course.* An open storm water conveyance channel used to carry storm drainage, has definite banks, a bed, visible evidence of continued occurrence of water and that empties into a City or County storm drain, lake, creek, stream or river.
- (5) *Earth Change.* A human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the State. Earth change does not include the practice of plowing and tilling soil for the purpose of crop production or the harvesting of crops, or the cutting of trees or vegetation, however, stump or root removal shall be considered earth change.
- (6) *Erosion.* The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.
- (7) *Excavation or cut.* The removal or recovery of exposed or submerged soil, rock, sand, gravel, peat, muck, marrow, shale, limestone, clay, or other mineral or organic substances except vegetation, from water or land, whether exposed or submerged.
- (8) *Flood Plain.* That special flood hazard area which would be inundated by storm runoff or flood water equivalent to that which would occur with a rainfall or flood of one hundred-year (100) recurrence frequency.
- (9) *Grading.* Any stripping, excavating, filling, stockpiling, or any combination thereof, and shall include the land in its excavated or filled condition.
- (10) *Grading/Soil Erosion and Sedimentation Control Permit.* A permit issued by the Zoning and Development Director to authorize work to be performed under this Chapter.
- (11) *Lake.* All natural and artificial inland lakes or impoundments that have definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is equal to, or greater than, 1 acre. "Lake" does not include sediment basins and basins constructed for the sole purpose of storm water retention, cooling water, or treating polluted water.
- (12) *Municipal Enforcing Agency.* The municipal enforcing agency designated to enforce this chapter in accordance with Section 9106(1) of Part 91 of Act 451, as amended, shall be the City Zoning and Development Department established pursuant to Division 2 of Article IV of Chapter 2 of this Code.

- (13) *Permanent soil erosion and sedimentation control measure.* All control measures which are installed or constructed to control soil erosion and sedimentation and are to be maintained after project completion.
- (14) *Stream.* A river, creek, or other surface watercourse which may or may not be serving as a drain as defined in Act No. 40 of the Public Acts of 1956, as amended, being section 280.1 *et seq.* of the Michigan Compiled Laws, and which has definite banks, a bed, and visible evidence of the continued flow or continued occurrence of water, including the connecting waters of the Great Lakes.
- (15) *Stripping.* Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.
- (16) *Temporary soil erosion and sedimentation control measures.* Interim control measures which are installed or constructed to control soil erosion and sedimentation until permanent soil erosion controls are installed and the site is stabilized.
- (17) *Zoning and Development Director.* The administrative officer appointed pursuant to the provisions of section 2-141 of this Code and having jurisdiction of the City Zoning and Development Department, or his or her designee.

60-3. Compliance with Chapter Required for Site Plan and Plat Approval. No site plan, plot plan, or plat shall be approved under Chapters 74 and 94 of this Code unless said site plan, subdivision plan, plot plan, or plat shall include soil erosion and sediment control measures consistent with the requirements of this Chapter and related land development regulations.

60-4. Compliance with Chapter Required for Occupancy. No certificate of occupancy for any land use, building or structure will be issued under Chapter 94 of this Code, unless the applicant for said certificate shall have obtained a certification of completion indicating compliance with all grading/soil erosion and sedimentation plans and specifications and completion of all permanent soil erosion and sedimentation control measures.

60-5. Permits and Fees.

(a) **Permit Requirement.** Except as exempted by Section 60-16 of this Chapter, no public or private person shall do any grading, stripping, excavating, or filling nor undertake or maintain any earth change without first obtaining a valid grading/soil erosion and sedimentation control permit issued by the Zoning and Development Director. No building permit shall be issued to any person engaged in an earth change until the grading/soil erosion and sedimentation control permit required by this Chapter has been issued.

(b) **Permit Application.** A separate application shall be required for each grading/soil erosion and sedimentation control permit. Plans, specifications, and timing schedules shall be submitted with each application for a grading/soil erosion and sedimentation control permit. The plans shall be signed and sealed by a professional engineer, architect, landscape architect, or registered land surveyor. For any earth change located more than five hundred (500) feet from the water's edge of a lake or stream or which disturbs less than one (1) acre in area, the Zoning and Development Director may waive approval and signature by the professional engineer, architect, landscape architect, or registered land surveyor when the work entails little hazard to the adjacent property.

(c) **Application Data Required.** The plans and specifications accompanying the grading/soil erosion and sedimentation control permit application shall contain the following data:

- (1) A vicinity sketch at the scale of 1" = 200' showing the site location as well as the adjacent properties within 500' of the site boundaries and the proximity of any proposed earth change to lakes, streams, and predominant land features.
- (2) A boundary line survey with a full legal description of the site on which the work is to be performed.
- (3) A contour map showing the proposed contours of the land after the completion of the final grading of the site at not less than 2-foot contour intervals. Such map shall show the grading of the site and contour of the land in relation to adjoining properties. The map shall

contain a certification by a professional engineer, architect, landscape architect, or registered land surveyor that the finished topography of the site will not have any adverse effect on adjoining lands because of any change in the flowage of surface water.

- (4) A soils survey or a written description of the soil types of the exposed land area contemplated for the earth change.
- (5) A plan of the site at a scale not smaller than 1" - 100' complying with the submittal standards listed in Section 94-225(d) of Chapter 94, Zoning. In addition, the plan shall show the following details:
 - a. A description and the location of the physical limits of each proposed earth change.
 - b. The location and description of all existing and proposed drainage and dewatering facilities, retaining walls, cribbing, landscaping, anti-erosion devices, or other temporary or permanent soil erosion and sedimentation control measures to be constructed in connection with, or as a part of, the proposed work together with a map showing the drainage area of land tributary to the site and estimated storm water runoff from the disturbed area and tributary area.
 - c. Location of any natural feature on the site.
 - d. Location of any structure or natural feature on the land adjacent to the site and within fifty (50) feet of the site boundary line, including existing topography at two (2) foot intervals.
 - e. A statement of the quantity of excavation and fill involved.
 - f. The estimated total cost of the required temporary and permanent soil erosion control measures.
 - g. A timing schedule indicating the anticipated starting and completion dates of each sequence of the earth change, and the time of exposure of each area prior to the completion of effective permanent erosion and sediment control measures.
 - h. The location and description for installing and removing all proposed temporary soil erosion and sedimentation control measures.
 - i. A description and the location of all proposed permanent soil erosion and sedimentation control measures.
 - j. A note indicating that permanent soil erosion control measures will be placed within five (5) days of final grading.
 - k. A program proposal for the continued maintenance of all permanent soil erosion and sediment control measures that remain after project completion, including the designation of the person responsible for the maintenance which program shall become part of any sales or exchange agreement for the land on which the permanent soil erosion measures are located.
 - l. Other information or data as shall be required by the Zoning and Development Director.

(d) Fees. Grading/soil erosion and sedimentation control permit applications shall be accompanied by the appropriate non-refundable fee(s) as established by resolution of the city council.

60-6. Bond Requirement. A grading/soil erosion and sedimentation control permit shall not be issued unless the permittee shall first post with the Zoning and Development Director a bond executed by the owner and a corporate surety with authority to do business in this State as a surety.

The bond shall be in a form approved by the City Attorney, payable to the City, and in the amount of the estimated total cost to install and maintain all temporary or permanent soil erosion control measures. The

total cost shall be provided by the design professional and reviewed by the Zoning and Development Director. The bond shall include provisions for recovery of the costs of the City to enter upon the land and construct, implement, and maintain soil erosion and sedimentation control measures as provided by MCL 324.9119 upon failure of the permittee to complete the work on schedule as specified on the permit. In lieu of a surety bond, the applicant may file with the City, a cash bond or an Instrument of Credit approved by the City Attorney in the amount equal to that which would be required for the surety bond.

Every bond and instrument of credit shall include and every cash deposit shall be made on the conditions that the permittee shall comply with all of the provisions of this Chapter and all of the terms and conditions of the grading/soil erosion and sedimentation control permit, and shall complete all of the work contemplated under the grading/soil erosion and sedimentation control permit within the time limit specified in the grading/soil erosion and sedimentation control permit, or if no time limit is specified, within 180 days after the date of the issuance of the grading/soil erosion and sedimentation control permit.

60-7. Extension of Time. If the permittee is unable to complete the work within the specified time, he/she may, at least ten (10) days prior to the expiration of the grading/soil erosion and sedimentation control, present in writing to the Zoning and Development Director a request for an extension of time setting forth the reasons for the requested extension, together with the appropriate fee as established by the City Council. In the event such an extension is warranted, the Zoning and Development Director may grant additional time for the completion of the work, but no such extension shall release the owner or the surety on the bond or the person furnishing the instrument of credit or cash bond.

60-8. Failure to Complete Work. In the event of failure to complete the work, or failure to comply with all the requirements, conditions, and terms of the grading/soil erosion and sedimentation control permit, the Zoning and Development Director shall order such work as is necessary for completion of all necessary temporary or permanent soil erosion control measures. The permittee and the surety executing the bond or person issuing the instrument of credit or making the cash deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be insured or expended by the City in causing any and all such work to be done. In the case of a cash deposit, any unused portion thereof shall be refunded to the permittee.

60-9. Denial of Permit. Zoning and Development Director shall not issue Grading/Soil Erosion and Sedimentation Control permits where:

- (1) The proposed work would cause hazards to the public health, safety and welfare.
- (2) The work as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons or property.
- (3) The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability or any other such hazard to persons or property.
- (4) Where proposals are contrary to the standards listed in Chapter 30, Floods.

60-10. Modifications of Approved Plans. All modifications of the approved grading plans must be submitted to and approved by the Zoning and Development Director. All necessary sustaining reports shall be submitted with any proposal to modify the approved grading/soil erosion and sedimentation control plan. No grading work in connection with any proposed modification shall be permitted without the approval of the Zoning and Development Director.

60-11. Responsibility of Permittee. During grading operations the permittee shall be responsible for:

- (1) The prevention of damage to any public utilities or services within the limits of grading and along any routes of travel of the equipment.
- (2) The prevention of damage to adjacent property. No person shall grade on land so close to the property line as to discharge sediment or endanger any adjoining public street, sidewalk, alley, or any public or private property without supporting and protecting such property from settling, cracking, or other damage which might result.

- (3) Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of the permit and this Chapter.
- (4) The prompt removal of all soil, miscellaneous debris, or other materials applied, dumped, or otherwise deposited on public streets, highways, sidewalks, or other public thoroughfares during transit to and from the construction, where such spillage constitutes a public nuisance or hazard.
- (5) The preservation of as many trees, shrubs and natural features on the site as may be practicable in the development of the site.

60-12 Responsibility of Owner of Property.

(a) The owner of property that is subject to a permit under this ordinance is responsible for compliance with the terms of the permit that apply to that property.

(b) If property subject to a permit under this ordinance is transferred, both are transferred with the property:

1. The permit, including the permit obligations and conditions, and
2. Responsibility for any violations of the permit that exists on the date the property is transferred.

(c) If property subject to a permit under this ordinance is transferred, but not the entire property, both of the following are transferred with the permit:

1. The permit obligations and conditions with respect to that parcel, but not the permit itself, and
2. Responsibility for any violation of the permit with respect to that parcel that exist on the date the property is transferred.

(d) If property is subject to a permit under this ordinance is proposed to be transferred, the transferor shall notify the transferee of the permit in writing on a form approved by the City. The notice shall inform the transferee of the requirements of subsection (a) and, as applicable, subsection (b). The notice shall include a copy of the permit. The transferor and transferee shall sign the notice.

60-13. General Requirements.

(a) Any earth changes shall be conducted in such a manner which will effectively reduce accelerated soil erosion and resulting off-site sedimentation to the greatest extent practicable.

(b) All persons engaged in earth changes shall design, implement and maintain acceptable soil erosion and sedimentation and control measures, in conformance with Part 91 of Act 451 and all official rules promulgated pursuant thereto which are hereby adopted by reference as part of this Chapter.

(c) All earth changes shall be designed, constructed, and completed in such a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time.

(d) Sediment caused by accelerated soil erosion shall be removed from runoff water before it leaves the site of the earth change.

(e) Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth change area shall be designed to limit the water flow to a nonerosive velocity.

(f) A person shall install temporary soil erosion and sedimentation control measures before or upon commencement of the earth change activity and shall maintain the measures on a daily basis. A person shall remove temporary soil erosion and sedimentation control measures after permanent soil erosion measures are in place and the area is stabilized. A person shall stabilize the area with permanent soil erosion control measures following approved standards and specifications as prescribed by Section of this Chapter.

(g) A person shall complete permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area within five (5) calendar days after final grading or the final earth change has been completed. If it is not possible to permanently stabilize a disturbed area after an earth change has been completed or if significant earth change activity ceases, then a person shall maintain temporary soil erosion and sedimentation control measures until permanent soil erosion control measures are in place and the area is stabilized.

(h) The final surface grade of ground areas shall conform to the standards listed in section 94-177(o) of Chapter 94, Zoning.

60-14. Maintenance Requirements. Persons carrying out soil erosion and sediment control measures under this Chapter, and all subsequent owners of property concerning which such measures have been taken, shall maintain all permanent anti-erosion devices, retaining walls, structures, plantings, and other protective devices.

60-15. Standards and Specifications for Erosion and Sediment Control.

(a) All grading/soil erosion and sedimentation control plans and temporary and permanent soil erosion control measures shall be prepared, installed, and maintained in accordance with the following standards:

- (1) The soil erosion and sedimentation control procedures and measures prescribed by R323.1709 and R323.1710 of Part 17 of the Michigan Administrative Code of Rules.
- (2) The Michigan Department of Environmental Quality's Guidebook of Best Management Practices for Michigan Watersheds.
- (3) The MDOT Soil Erosion Sedimentation Control Manual.

(b) If a conflict exists between the standards and specification, then the Zoning and Development Director shall determine which specifications are appropriate for the project.

60-16. Variances and Exceptions.

(a) No Grading/Soil Erosion and Sedimentation Control permit shall be required for the following:

- (1) Agricultural use of land where a person has entered into an agreement with the appropriate soil conservation district to pursue agricultural practices in accordance with and subject to the rules of Section 324.9109 of Part 91 451.
- (2) Grading or an excavation below finished grade for structures of less than one thousand (1,000) square feet and more than five hundred (500) feet from any lake, stream or drainage course, provided that the total area of earth change shall not exceed six thousand four hundred (6,400) square feet in area.
- (3) Normal road and driveway maintenance, such as grading or leveling, that does not increase the length or width of the road or driveway and that will not contribute sediment to lakes or streams.
- (4) A person engaged in the logging or mining industry as defined and permitted by Section 9115 of Part 91 Act 451, as amended.
- (5) Where the property owner certifies by signed affidavit that the planned work is less than 225 square feet, and the final structures or topographical changes will not result in, or contribute to, soil erosion, sedimentation of the waters of the State, will not interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way, will not create any hazards to any persons or property, and will have no detrimental influence upon the public welfare or upon the total development of the watershed.
- (6) An earth change on residential property of a minor nature that is stabilized within 24 hours of the initial earth disturbance.

- (7) Removal of tree stumps, shrubs stumps, or roots resulting in an earth change disturbing not to exceed 100 square feet on residential property.
- (8) All of the activities described in subsection 9115a(1)(e) of Part 91 of Act 451.

(b) Although no permits are required under subsections (a) (1), (2), (3), (4), (5), (6) and (7) of this Section, the operations and constructions exempted from obtaining permits must comply with the rules and regulations related to the prevention of soil erosion and sedimentation specified in this Chapter.

(c) Where it is alleged that there is error or misinterpretation in any order, requirements, decisions, grant, or refusal made by the Zoning and Development Director, the Zoning Board of Appeals shall have the power to hear specific applications and may amend or change such order, requirements, decisions, grant or refusal so that it is in harmony with the general purpose and Intent of the requirements and complies with Part 91 of Act 451. The procedural requirements for appeals under Section 364 of Chapter 94, Zoning, shall be applicable to appeals under this Chapter.

(d) In the case of applications for permits for grading or excavation for buildings or structures on plots zoned RS-1, RS-2, and RS-3 of less than one (1) acre in size and not closer than five hundred (500) feet to a lake or stream, wetland, or catch basin, the Zoning and Development Director may waive one or more of the application data requirements of subsection 60-5(c)(1), (2) or (3) and the bond requirements of Section 60-6, provided the plans and specifications otherwise filed in connection with the application for a building permit provide sufficient information to allow the Zoning and Development Director to enforce and administer the provisions of this Chapter.

60-17. The requirements of this Chapter shall be enforced by the Zoning and Development Director. Personnel possessing a valid certificate of training issued by the MDEQ shall inspect the work for compliance with the provisions of this Chapter, Part 91 of Act 451, and the rules promulgated thereunder.

If the Zoning and Development Director finds any existing conditions not as stated in any application, grading permit or approved plan, he/she may refuse the continuance of further work until corrective actions are taken or approval of a revised grading plan which will conform to the differing conditions.

60-18. Enforcement.

(a) Notwithstanding the existence or pursuit of any other remedy, the City of Mason may maintain an action in its own name in any court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of this Chapter.

(b) The Zoning and Development Director, or a duly authorized agent, may enter at all reasonable times in, or upon, any private or public property for the purpose of inspecting and investigating conditions and practices which may be a violation of this Chapter, Part 91 of Act 451, or the rules promulgated thereunder under Part 91 of Act 451. The Zoning and Development Director, or a duly authorized agent may enter upon land to construct, implement and maintain soil erosion and sedimentation control measures in conformance with Section 9119 of Part 91 of Act 451.

(c) The City shall have a lien for the expenses incurred under subsection 60-18(b) of bringing the land into conformance with this ordinance and the rules promulgated under this ordinance. The lien for such expenses shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act.

(d) A person who violates this chapter or the provisions of any cease and desist order issued by the Zoning and Development Director to enforce this chapter shall be responsible for a municipal civil infraction as defined by MCL 600.113 punishable by a civil fine of not more than \$2,500 (plus all costs and expenses, direct and indirect), to which the City has been put in connection with the municipal civil infraction, up to the entry of the judgment. Each active violation and every day upon which a violation shall occur shall constitute a separate offense.

(e) The Zoning and Development Director and his or her designated agents and inspectors may issue a cease and desist order for any activity on land which may be a violation of this chapter. The Zoning and Development Director and his or her designated agents and inspectors are authorized to issue and serve municipal civil infraction citations for any violations of this chapter designated as a municipal civil infraction pursuant to Chapter 87 of 1961 PA 236, MCL 600.8707.

Effective Date. This ordinance shall become effective upon publication of the notice of adoption in a newspaper of general circulation within the city.

Yes (5) Clark, Ferris, Naeyaert, Tornholm, Waltz

No (1) Bruno

ABSENT (1) Johnson

ORDINANCE APPROVED

Resolution No. 2009-23 – A Resolution Authorizing the Acquisition and Transfer of a Three-Acre Parcel to Ingham County to Locate the Ingham County, Michigan 911 Dispatch Center in Exchange for the Transfer of Rayner Park to the City of Mason.

Colburn stated that he, Mayor Clark, Mayor Pro Tem Naeyaert, Council Member Waltz, and Police Chief Stressman spoke at the Ingham County Law Enforcement Committee meeting on May 28, 2009, and presented draft Mason City Council Resolution No. 2009-23 offering to provide the three acres necessary to locate the consolidated 911 Dispatch Center in Mason Commerce Park in exchange for the acquisition and operation of Rayner Park. However, the Committee voted 5 to 1 to locate the facility on the Jolly Road site. Following passage of Resolution No. 2009-23 tonight, a certified copy will be presented at the County Community Services Committee meeting and the Finance Committee meeting, both being held this week, as well as at the Ingham County Board of Commissioners meeting, June 9, 2009.

An extensive discussion was held regarding the details of the County's needs for a 911 Center and the City's significant offer to meet and exceed those needs.

Motion by Naeyaert, second by Tornholm,
To consider Resolution No. 2009-23 as read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-23 was introduced by Naeyaert and seconded by Tornholm.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-23
A RESOLUTION AUTHORIZING THE ACQUISITION AND TRANSFER OF A THREE-ACRE
PARCEL TO INGHAM COUNTY TO LOCATE THE INGHAM COUNTY, MICHIGAN 911 DISPATCH
CENTER IN EXCHANGE FOR THE TRANSFER OF RAYNER PARK TO THE CITY OF MASON
June 1, 2009**

WHEREAS, the Ingham County Board of Commissioners authorized the adoption of the Ingham County Central Dispatch Action Plan to accomplish a Consolidated 911 Dispatch Center operation with the intent of serving all of Ingham County from a central location; and

WHEREAS, the Mason Commerce Complex site is one of the final locations deemed by the Ingham County 911 Steering Committee's Facilities Committee and Landmark Design Group P.C., the County's architectural services consultant, as a viable location for the new 911 Central Dispatch Center; and

WHEREAS, it would be mutually beneficial to the City of Mason, the County of Ingham, and the mutual public interests served by them if the Consolidated 911 Dispatch Center were to be centrally located within the city of Mason; and

WHEREAS, Landmark Design has estimated a \$220,000 difference in costs between the three site location options establishing a 7.42% difference between the Mason location and the Jolly Road location in Lansing; and

WHEREAS, Ingham County is facing increasing financial pressure due to the current economics within the County, State of Michigan and the United States which may prevent the continued operation and maintenance of Rayner Park within the city of Mason by Ingham County; and

WHEREAS, in order to induce Ingham County to locate the Consolidated 911 Dispatch Center within the city and to insure the continued operation and maintenance of Rayner Park as a public park within the city of Mason, the City is willing to provide the three acres of land necessary to site the Consolidated 911 Dispatch Center within the city of Mason in exchange for the acquisition and operation of Rayner Park as a city park by the City of Mason.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mason that it does hereby agree to acquire the three-acre parcel in the Mason Commerce Park identified in the Ingham County Landmark site evaluation report and convey it to Ingham County to locate and operate the Ingham County Consolidated 911 Dispatch Center in exchange for Rayner Park to be operated and maintained by the City as a city park.

BE IF FURTHER RESOLVED that the exchange of the 911 Dispatch Center site for Rayner Park shall be subject to the City and the County entering into an exchange agreement acceptable to their respective boards, which agreement shall reserve unto the Ingham County Drain Commissioner the right to access and maintain its county drain in those portions of Rayner Creek that flow through Rayner Park.

Yes (5) Clark, Ferris, Naeyaert, Tornholm, Waltz

No (1) Bruno

Absent (1) Johnson

RESOLUTION APPROVED

Motion – Service Agreement Extension for Employee Uniforms

Currently, the City has a two-year agreement with Arrow Uniform Service to supply uniforms, floor mats, and shop towels for the Public Works Department. Arrow has agreed to extend the agreement for an additional two years at the 2007 price with no per unit cost increase to the city, as well as waive the Environmental charge.

The City entered into a two year agreement with Arrow Uniform Service.

MOTION by Bruno, second by Tornholm,

To approve the service agreement extension with Arrow Uniform Service for a period of two (2) years (2009-2011) with the same unit prices as the 2007 agreement.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Bruno informed Council that he delivered the Sugar Maple tree gifted to the City of Lowell by the City of Mason through Mayors Exchange Day. Tornholm inquired about the quarterly newsletter schedule for the edition regarding the new city hall. Colburn informed Council that it will be going to the printer in about three weeks. Delays incurred due to the change of staff.

NEW BUSINESS

Tornholm stated that in response to the May 18, Lansing Regional Chamber of Commerce (LRCC) letter, she plans to submit comments relating to recommendations for development in the greater Lansing area.

MOTION by Naeyaert, second by Bruno,

to excuse Councilmember Johnson's absence from tonight's meeting.

MOTION APPROVED UNANIMOUSLY

Ferris commented that the transplanted Blue Spruce tree at Griffin Park looks like it has always been there. Also, she informed Council that the Farmers Market preview is June 13.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Waltz informed Council regarding current Historic District Commission business. Colburn informed Council from a report forwarded to him from Councilmember Johnson regarding current Traffic Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. He asked Zoning and Development Director Haywood to inform Council regarding the Library's flooded basement resulting from a puncture in the sanitary line by workers laying underground fiber optic cable in the Park Street right-of-way adjacent to the library. Haywood stated that the deluge of rains helped push the clay slurry through the floor drains and commodes. The remedial response was quick and immediate by all involved. Due to the water source, the damaged carpet was removed and the area was cleaned with an industrial disinfectant.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 8:39 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor