

CITY OF MASON

201 West Ash St.
Mason, MI 48854-0370

City Hall 517-676-9155
Fax 517-676-1330

CITY COUNCIL MEETING - COUNCIL CHAMBER

Monday, January 3, 2011

7:30 p.m.

Agenda

1. Call to Order
2. Roll Call
3. Pledge of Allegiance and Invocation
4. Unfinished Business
 - A. Approval of Minutes – Regular Council Meeting: December 20, 2010
 - B. Approval of Bills
 - C. Resolution No. 2010-48 – City Administrator Performance Evaluation for 2010 Calendar Year
 - D. Resolution No. 2010-49 – City Administrator Employment Contract Amendment No. 9
5. Adjourn Sine Die
6. Oath of Office
7. Election of Mayor and Mayor Pro Tem
8. Announcements
9. People from the Floor
10. Introductions
11. Presentations
12. Consent Agenda
 - A. Resolution No. 2011-01 – City Council & Planning Commission Meeting Dates
 - B. Resolution No. 2011-02 – Resolution to Exclude Temporary Employees from Membership in MERS Under Plan Document Section 3(2)
13. Regular Business
14. Unfinished Business
15. New Business
16. Correspondence
17. Liaison Reports
18. Councilmember Reports
19. Administrator's Report
 - American Community Survey/U.S. Census
20. Adjournment

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 20, 2010**

Clark called the meeting to order at 7:32 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah Cwierniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
Tom Yeadon, City Attorney

ANNOUNCEMENTS

None.

PEOPLE FROM THE FLOOR

Dave Barnett of 427 South Jefferson stated that he felt that the proposed resolution declaring a temporary moratorium on the issuance of licenses for primary caregiver operations and dispensaries in the City of Mason goes against the vote of the people in 2008.

INTRODUCTIONS

Waltz introduced the Camino of St James Run/Walk Committee; Christopher Mumby - Chair, Doty Smith – Co-Chair, Valerie Engle - Course Chair, Cindy Engle - Course Co-Chair. Clark introduced Andrew Johnson, a boy scout earning his badge.

PRESENTATIONS

None.

CONSENT AGENDA

It was the consensus of Council to remove Agenda Item C) Motion – Ordinance No. 180 – An Ordinance to Amend Chapter Ten-Businesses—with the Code of the City of Mason by Adding Article III, Which Defines Medical Marijuana Operations and Dispensaries Operations, Requires a License and Sets Forth the Requirements to Obtain a License and the Effect of Having a License within the City of Mason; and Declaring an Emergency to Enact this Ordinance to be Effective Immediately upon Adoption as Necessary for the Preservation of the Public Peace, Health and Safety, and D) Resolution No. 2010-45 – A Resolution Declaring a Temporary Moratorium on the Issuance of Licenses for Primary Caregiver Operations and Dispensaries in the City of Mason, from the Consent Agenda.

MOTION by Naeyaert, second by Waltz,
to approve the Consent Agenda as follows:

1. Approval of Minutes – Regular Council Meeting: December 6,
2010
2. Approval of Bills
3. Resolution No. 2010-46 – Mayoral Appointments to City Boards and
Commissions

**CITY COUNCIL RESOLUTION NO. 2010-46
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 20, 2010**

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby make the following appointments/reappointments to the specified boards and commissions of the city and that each term shall commence January 1, 2011 and expire on December 31 of the year noted.

Board of Ethics	Kathleen Dean	2013
	William H. Noud, Jr	2013
Building Code & Sign Board of Appeals	Ivan Kerr	2013
	Ken Brown (Sign Board of Appeals)	2013
	Eric Harter (Sign Board of Appeals)	2013
Dangerous Buildings Hearing Officer	Bruce Johnston	2013
Downtown Development Authority	Joe Ghinelli	2014
	Mark Howe	2014
	Bernard Camp	2014
Historic District Commission	Loren Shattuck	2013
	Marlon Brown	2013
Local Officers Compensation Commission	Angela Newton	2011
	William Shepard	2013
Planning Commission	Chris Burns	2013
	Nancy Cotter	2013
Traffic Commission	Roger Bauer	2013
Tree Commission	Melvin Brown	2011
	Leslie Bruno	2012
	Laura Duane	2013

4. Resolution No. 2010-47 – City Council Appointments to City Boards and Commissions

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-47
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 20, 2010**

BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby make the following appointments/reappointments to the specified boards and commissions of the City and that each term shall commence January 1, 2011 and expire on December 31 of the year noted:

Board of Review	Larry Briggs	2013
Building Authority	Mark Howe	2013
Cemetery Board	Scott Shattuck	2013
Local Development Finance Authority	William Shepard	2014
Utility Rate Study Committee	Shirley Richards	2013
	Angela Newton	2013
Zoning Board of Appeals	Doug Cripps	2013
	Pete Curtis	2011
	Bob McCormick	2013
	Linda Jakeway	2012
	(filling an unexpired term)	
	Harry Spenny	2013
	(alternate)	

5. Motion – Street Closure for Camino of Saint James 8K Run and 5K Walk

MOTION by Naeyaert, second by Waltz, to approve the request as outlined in the letters of Christopher Mumby/Camino of St James Run/Walk Committee, dated November 29 and December 9, for street closures and use of equipment for the second annual Camino of St. James Church 8K Run/5K Walk starting at 8:00 a.m. for the duration of approximately two hours on Sunday, August 14, 2011, in accordance with maps provided to the Police Department.

6. Motion – Request for Street Closures to Hold the Second Annual Sundried Music Festival
MOTION by Naeyaert, second by Waltz,
to approve the request as outlined in the letter from Marco Broggio, Downtown
Development Authority Director, dated December 6, 2010, for street closures, use
of equipment, electrical power, and waiver of permit and fees for the second
annual Sundried Music Festival.

MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Ordinance No. 180 – An Ordinance to Amend Chapter Ten-Businesses—with the Code of the City of Mason by Adding Article III, Which Defines Medical Marijuana Operations and Dispensaries Operations, Requires a License and Sets Forth the Requirements to Obtain a License and the Effect of Having a License within the City of Mason; and Declaring an Emergency to Enact this Ordinance to be Effective Immediately upon Adoption as Necessary for the Preservation of the Public Peace, Health and Safety

MOTION by Naeyaert, second by Bruno,
to consider Ordinance No. 180 and Resolution No. 2010-45 as considered read.

MOTION APPROVED UNANIMOUSLY

A brief discussion ensued regarding the citizen initiated law approved by the voters in 2008 allowing the use of marihuana for medicinal purposes.

CITY OF MASON ORDINANCE NO. 180

AN ORDINANCE TO AMEND CHAPTER 10 - BUSINESSES - OF THE CODE OF THE CITY OF MASON BY ADDING ARTICLE III WHICH DEFINES MEDICAL MARIHUANA OPERATIONS AND DISPENSARIES, REQUIRES A LICENSE AND SETS FORTH THE REQUIREMENTS TO OBTAIN A LICENSE AND THE EFFECT OF HAVING A LICENSE WITHIN THE CITY OF MASON

THE CITY OF MASON ORDAINS:

Article III of Chapter 10 - Businesses - of the Code of City of Mason and sections 10-70, 10-71, 10-72, 10-73, 10-74 and 10-75 are hereby added to the Code of the City of Mason to read as follows:

ARTICLE III - MEDICAL MARIHUANA

Sec. 10-70. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means the Michigan Medical Marihuana Act.

Dispensary means a structure, lot or premises from which two or more primary caregivers sell, deliver or otherwise dispense medical marihuana to patients.

Marihuana means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

Patient means any person to whom a primary caregiver delivers marihuana pursuant to the Act.

Primary caregiver means a person who is licensed and defined under the act as a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

Primary caregiver operation means a structure, lot or premises from which a primary caregiver sells, delivers or otherwise dispenses medical marihuana to a patient.

Qualifying patient means a person who has been diagnosed by a physician as having a debilitating medical condition.

Registry identification card means a document issued by the department of community health that identifies a person as a registered qualifying patient or registered primary caregiver.

Usable marihuana means the dried leaves and flowers of the marihuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

Sec. 10-71. Required; fee; application.

(a) No person shall operate a primary caregiver operation or operate or assist in the operation of a dispensary without having first obtained and without being in possession of a valid license issued by the city clerk.

(b) Application shall be made annually on forms provided by the city clerk which shall require the full legal name and date of birth of each caregiver and address of the intended location of the primary caregiver operation or dispensary, a copy of each caregiver's registry identification card, the number of registered patients for each caregiver and the maximum amount of usable marihuana and maximum number of marihuana plants the caregiver operation or dispensary may have on the property at any one time. The application shall state whether any electrical devices designed to assist in the growing of medical marihuana will be used in conjunction with the license, whether any structural modifications have been made or are intended to be made in conjunction with the license. The application shall be accompanied by any required building, electrical or plumbing permits.

(c) The initial application fee shall be \$250.00 for each primary caregiver operation and \$100.00 per caregiver for each dispensary. Renewal fees shall be established by annual budget resolution of the city council.

Sec. 10-72. Conditions of issuance.

The city clerk shall not issue an initial or renewal license until such time as all of the following conditions have been met:

(a) A completed application has been submitted to the clerk with the required fees that accurately states the lawful amount of usable marihuana and marihuana plants an applicant may have on the property at any one time.

(b) Proof that an annual inspection has been conducted by the Mason police department and the police department certifies that the facility is in conformity with the state law and city ordinances. The police department may, as part of its inspection, require building officials and/or the fire department inspect the property prior to certification to ensure that it is in conformity with state law and city ordinances should the police suspect, during their inspection, that unreported or non-permitted structural alterations have been made, unreported or non-permitted electrical modifications have been made, unreported or non-permitted electrical devices are being used, otherwise unsafe electrical connections or overloaded circuits are present or unreported or un-permitted plumbing modifications have been made in conjunction with the license.

(c) Where the application identifies electrical devices are being used or intended to be used to assist in the growing of medical marihuana, proof that the fire department has inspected and approved the use or proposed use and that any necessary permits for electrical alterations have been obtained.

(d) Where the application identifies structural modifications have been made or are intended in conjunction with the license, proof that the appropriate building code officials have inspected the property and issued the necessary permits.

Sec. 10-73. Conduct of licensee.

(a) Each licensee shall, as a condition of obtaining and maintaining a license, agree to comply at all times with all applicable local and state building, zoning, fire, health, and sanitation statutes, ordinances, and regulations.

(b) The premises shall be operated and maintained at all times consistent with responsible business practices and so that no excessive demands will be placed upon public health or safety services, nor any excessive risk of harm to the public health, safety, or sanitation.

(c) The premises shall at all times be operated in compliance with all applicable provisions of this code and the act.

(d) The licensee shall immediately notify the city clerk of any changes in the names or additions and reductions in the number of primary caregivers operating from any structure, lot or premises within the city and pay the appropriate application fee for each increase in the number of primary caregivers.

Sec. 10-74. Effect of license; suspension, penalty.

(a) A license is valid only for the location identified on the license and cannot be transferred to another location within the city without a new application.

(b) Conducting a primary caregiver operation or a dispensary is a violation of federal law. A license does not prohibit prosecution by the federal government of its laws. Nor does a license prohibit prosecution by state authorities for violations of the act or other violations not protected by the act. A valid license shall not be construed as providing any protection beyond prosecution by the city of Mason for conducting a primary caregiver operation or a dispensary without a license.

(c) Compliance with city ordinances and state statutes is a condition of maintenance of a license and a license may be suspended for cause pursuant to the provisions of this chapter.

(d) Suspension of a license is not an exclusive remedy and nothing contained herein is intended to limit the city's ability to prosecute code violations that may have been the cause of the suspension or any other code violations not protected by this act.

(e) No person who has not been identified as a primary caregiver on an application with the city clerk, or subsequent filing with the city clerk pursuant to the requirements of this article, shall be deemed to be licensed.

(f) Any changes to the act or any decisions by a court of competent jurisdiction which would render a license issued under this article void or otherwise ineffective, shall result in the immediate expiration of any license issued under this section.

(e) Each day that a person shall conduct a primary caregiver operation or a dispensary without a license shall constitute a separate offense.

Sec. 10-75. Confidentiality.

Names and addresses of applicants and any licensed primary caregivers under this article shall be confidential information and shall be maintained as confidential records not subject to disclosure, except to other authorized employees of various city departments as is necessary to perform their official duties under this article. No records or information shall be released except upon order of a court of competent jurisdiction.

Declaration of need to be effective immediately

This ordinance is declared to be immediately necessary for the preservation of the public peace, health and safety and shall be effective upon adoption.

Number of council members present (7).

Number of affirmative votes (7).

The foregoing Ordinance was moved for adoption by Council Member Waltz and seconded by Council Member Tornholm 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 20th day of December, 2010. Ordinance No. 180 declared adopted this 20th day of December, 2010.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2010-45 – A Resolution Declaring a Temporary Moratorium on the Issuance of Licenses for Primary Caregiver Operations and Dispensaries in the City of Mason

Following the adoption of Ordinance No. 180, a moratorium was considered to take into account future regulation determinations by the State and to allow staff to further study regulation of dispensaries and primary caregiver operations. The statement offered by a citizen during People from the Floor claiming the a moratorium was against the vote of the people was discussed. City Attorney Tom Yeadon confirmed that moratoriums do not go against the act. There was further discussion

regarding providing the means for licensing and then prevent anyone from becoming licensed.

Resolution No. 2010-45 was introduced by Tornholm and supported by Waltz.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-45
A RESOLUTION DECLARING A TEMPORARY MORATORIUM ON THE
ISSUANCE OF LICENSES FOR PRIMARY CAREGIVER OPERATIONS AND
DISPENSARIES IN THE CITY OF MASON**

WHEREAS, the People of the state of Michigan have adopted, by initiative, the Michigan Medical Marihuana Act (the "Act"); and

WHEREAS, the Act authorizes primary caregivers to assist qualifying patients in obtaining medical marihuana by allowing the primary caregiver to grow, possess, and deliver limited amounts of marihuana to the patients and receive compensation for doing so; and

WHEREAS, the Act's provisions have resulted in primary caregivers combining to form what has come to be termed "dispensaries" in adjacent municipalities in which multiple registered primary caregivers operate from a single building to create situations in which amounts of marihuana greater than the act would otherwise allow for a single primary caregiver are being possessed and stored on single lots and properties; and

WHEREAS, the Act does not regulate or even necessarily allow for dispensaries and many significant aspects of the operation of a dispensary could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the Act does not regulate many significant aspects of the operation of a primary caregiver that could affect the health, safety and welfare of the citizens of the city of Mason; and

WHEREAS, the City of Mason intends to regulate primary caregiver operations and dispensaries to ensure the health, safety and welfare of its citizens; and

WHEREAS, the City of Mason, as part of the regulatory process, has adopted an ordinance requiring primary caregiver operations and dispensaries to be licensed; and

WHEREAS, the City of Mason is in the process of considering and studying how to effectively regulate dispensaries and primary caregiver operations to meet the intent of the Act while preserving the health, safety and welfare of its citizens; and

WHEREAS, the City Council desires that no licenses be authorized or issued in the city of Mason for dispensaries or primary caregivers while a study is being conducted to determine the appropriate and necessary regulations;

NOW, THEREFORE, BE IT RESOLVED that:

1. No applications for licenses for primary caregiver operations shall be accepted and no licenses shall be issued from the effective date of this resolution and while the moratorium enacted by this resolution or any subsequently adopted resolutions which may extend this moratorium shall remain in effect.

2. No applications for licenses for dispensaries shall be accepted and no licenses shall be issued from the effective date of this ordinance and while the moratorium enacted by this ordinance or any subsequently adopted ordinances which may extend this moratorium shall remain in effect.

3. This limited moratorium on the issuance of primary caregiver operation licenses and dispensary licenses shall continue in effect for 180 days from the effective date hereof while this matter is being studied.

Yes (6) Bruno, Clark, Ferris, Naeyaert, Tornholm, Waltz

No (1) Johnson

RESOLUTION APPROVED

UNFINISHED BUSINESS

Discussion was held regarding city employees not wearing seat belts in City vehicles. Colburn stated that he is addressing that with the divisions of public works.

NEW BUSINESS

None.

Clark stated that the membership of all boards and commissions are filled and he thanked everyone who volunteered to serve.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- Naeyaert informed Council regarding current Planning Commission business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current City business.

EXECUTIVE SESSION

MOTION by Naeyaert, second by Waltz,
to adjourn to executive session to discuss the City Administrator's evaluation.
Yes (7) Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT

The meeting adjourned at 7:57 p.m.

Deborah J. Cwierniewicz, City Clerk

Leon R. Clark, Mayor

12/29/2010 12:26 PM
User: TF
DB: Mason City

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON

EXP CHECK RUN DATES 01/01/2011 - 01/04/2011
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

COUNCIL REPORT
JANUARY 3, 2011

Vendor Code Invoice GL Number	Vendor Name Invoice Description GL Description	Invoice Date	Amount
06416	ALEXANDER CHEMICAL CORP		
0445486 592-555.00-757.000	44 - 50 LB BAG SODIUM METABISULFITE 44 - 50 LB BAG SODIUM METABISULFITE	01/01/2011	1,672.00
		VENDOR TOTAL:	1,672.00
07489	APPLEGATE HEATING & INSULATION		
80026F 592-556.00-818.000	ELECT GROUNDING FOR SCADA REPAIR ELECT GROUNDING FOR SCADA REPAIR	01/01/2011	1,650.00
		VENDOR TOTAL:	1,650.00
06255	AVERY OIL & PROPANE INC		
4036635 661-568.00-731.000	FUEL FOR GENERATORS FUEL FOR: WTP TEMPLE, KIPP, FRANKLIN FARMS	01/01/2011	1,642.52
		VENDOR TOTAL:	1,642.52
07748	BLUE CROSS BLUE SHIELD OF MICHIGAN		
JAN 2011 750-000.00-231.015 750-000.00-231.005 101-855.00-874.001	HEALTH, DENTAL, VISION INS + RETIREES HEALTH INS EMPLOYER DENTAL INS CITY RETIREES	01/01/2011	25,671.77 3,556.05 6,875.58 36,103.40
		VENDOR TOTAL:	36,103.40
06474	CONSUMERS ENERGY		
JAN 2011 592-555.00-920.000	WWTP GAS 11/19 - 12/21/10 WWTP GAS 11/19 - 12/21/10	01/01/2011	2,762.89
		VENDOR TOTAL:	2,762.89
07747	FEDEWA, INC		
12142010 592-558.00-970.915	POWER WASH NORTH TOWER POWER WASH NORTH TOWER	01/01/2011	4,275.00
		VENDOR TOTAL:	4,275.00
07201	GRACON SERVICES, INC		
9135 101-260.00-818.000	1 BLOCK OF 16 HRS LAN CARE 1 BLOCK OF 16 HRS LAN CARE	01/01/2011	1,520.00
		VENDOR TOTAL:	1,520.00
05016	GRANGER		
DEC 2010 101-528.00-818.000	REFUSE CHRGS ~ DEC 2010 CUST #2255 REFUSE CHRGS ~ DEC 2010 CUST #2255	01/01/2011	25,346.20
		VENDOR TOTAL:	25,346.20

12/29/2010 12:26 PM
User: TF
DB: Mason City

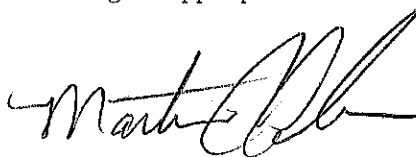
INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON

EXP CHECK RUN DATES 01/01/2011 - 01/04/2011
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

COUNCIL REPORT
JANUARY 3, 2011

Vendor Code Invoice GL Number	Vendor Name Invoice Description GL Description	Invoice Date	Amount
06047	MICHAEL R. KLUCK & ASSOC.		
JAN 11 101-266.00-826.000	NOV / DECEMBER ATTY SERVICES NOV & DEC 2010 LEGAL SERVICES	01/01/2011	920.00
VENDOR TOTAL:			920.00
07138	MICHIGAN STATE OF		
678796 592-555.00-818.000	2010 APP FOR 423 TONS DRY BIOSOLIDS FEE 2010 APP FOR 423 TONS DRY BIOSOLIDS FEE	01/01/2011	4,543.02
VENDOR TOTAL:			4,543.02
06932	NYE UNIFORM COMPANY		
304501 101-305.00-804.000	HI-LITE BODY ARMOR VEST A.MITCHELL HI-LITE BODY ARMOR VEST (A.MITCHELL)	01/01/2011	625.00
VENDOR TOTAL:			625.00
07096	SPEEDWAY SUPER AMERICA, LLC		
JAN 2011 661-568.00-731.000	DEC 2010 2069.2 GALS OF FUEL DEC 2010 2069.2 GALS OF FUEL	01/01/2011	5,017.15
VENDOR TOTAL:			5,017.15
05023	TRI-COUNTY REGIONAL		
318 592-557.00-818.000	JAN - DEC 2011 ANNUAL DUES JAN - DEC 2011 ANNUAL DUES	01/01/2011	5,556.25
VENDOR TOTAL:			5,556.25
TOTAL - ALL VENDORS:			91,633.43

I hereby certify that I have reviewed the above bills and expenses and to the best of my knowledge and belief, they cover expenditures of City services and materials and are within current budget appropriations.



Martin A. Colburn
City Administrator

CITY OF MASON
STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: January 3, 2011

Agenda Item: 11 E&F

AGENDA ITEM

Resolution No. 2010-48 – City Administrator Performance Evaluation for 2010 Calendar Year
Resolution No. 2010-49 – City Administrator Employment Contract Amendment #9

EXHIBITS

None.

STAFF REVIEW

Honorable Mayor Clark & Mayor Pro Tem Naeyaert

SUMMARY STATEMENT

The attached resolutions with support documentation conclude the City Administrator's annual evaluation process with exception of memorializing the documents for his personnel file. Resolution No. 2010-48 will be provided at the meeting.

RECOMMENDED ACTION

Move to approve Resolution Nos. 2010-48 and 2010-49.

Introduced by:
Second by:

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-48**

**CITY ADMINISTRATOR PERFORMANCE EVALUATION
FOR 2010 CALENDAR YEAR**

January 3, 2011

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis; and

WHEREAS, City Council Resolution 2005-06 further provides that the Council shall conduct the formal performance review according to the guidelines described therein, including use of the "City Administrator Performance Evaluation Form" and the "City Administrator Self-Evaluation Form" as defined therein; and

WHEREAS, on December 20, 2010, the City Council met for the purpose of reviewing the "City Administrator Self-Evaluation Form" and the composite "City Administrator Performance Evaluation Form" for the purpose of general discussion regarding the job performance of City Administrator Martin A. Colburn, for the purpose of developing specific performance objectives for the City Administrator for the upcoming twelve months, and for the purpose of discussing revision of the Employment Contract between Administrator Colburn and the City Council; and

WHEREAS, at the request of Administrator Colburn, the review meetings by the City Council were held in executive session pursuant to the provisions of the Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED, that the City Council remains satisfied with Administrator Colburn in his management of, and service to, the City of Mason. Administrator Colburn continues to meet the job performance expectations of the Council. The Council feels that Administrator Colburn leads City operations in a manner generally consistent with the collective goals and ideals of the Council, as well as those of the city as a whole; and

BE IT FURTHER RESOLVED, that the following is a summary of the performance of Administrator Colburn arranged according to the major categories listed on the composite "City Administrator Performance Evaluation Form":

Professionalism

In the area of Professionalism, Mr. Colburn more than met Council expectations.

Relationship with Council

In regard to his relationship with the Council, Mr. Colburn met the Council's expectations.

Policy Execution

In regard to Policy Execution, Mr. Colburn met Council expectations.

Reporting

In regard to Reporting, Mr. Colburn met Council expectations.

Public Relations

In regard to Public Relations, Mr. Colburn more than met Council expectations

Staffing

In regard to Staffing, Mr. Colburn met Council expectations.

Fiscal Management

In regard to Fiscal Management, Mr. Colburn more than met Council expectations.

Specific Objectives

In regard to Fiscal Management, Mr. Colburn more than met Council expectations.

BE IT FURTHER RESOLVED, that the City Council does hereby establish the following specific Council objectives for Administrator Colburn for the 2011 calendar year:

- A. *Obtain the DEQ permit allowing the city to proceed with Franklin Farms Drive extension.*
- B. *Continue the process to update the current master plan.*
- C. *Update the current finance and purchasing policies into a new document.*
- D. *Address an ordinance toward improving residential living conditions in rental properties.*
- E. *Direct efforts to develop and maintain additional health care services and facilities within the city.*
- F. *Develop and establish a timeline and plan for repairing and maintaining all city buildings with the DPW facilities as first priority.*
- G. *Review ordinances pertaining to downtown loft apartments and develop amendments to address landlords providing adequate parking.*
- H. *Develop an ongoing two-way conduit of information between the city council and the planning commission involving the master plan update.*
- I. *Establish long term plans with the city council, to identify and address future needs associated with potential charges in the city's population.*
- J. *Improve the multimedia technology in council chambers and begin streaming city council meetings live on the web.*
- K. *Re-evaluate all staffing, but in particular, the administrative services director, zoning and development department, and the dual role of the city administrator as the DPW director.*
- L. *Develop a training program for front line supervisors and department managers, and for long term interaction between all employees.*

BE IT FURTHER RESOLVED, that in accordance with City Council Resolution 2005-06, this resolution is hereby submitted by Mayor Leon R. Clark and Mayor Pro Tem Robin C. Naeyaert for consideration by the City Council as the written summary of the conclusions of the Council regarding the job performance of City Administrator Martin A. Colburn; and

BE IT FINALLY RESOLVED, that in accordance with City Council Resolution No. 2005-06, a copy of this resolution along with the "City Administrator Self-Evaluation Form" and composite "City Administrator Performance Evaluation Form" shall be placed in the personnel file of City Administrator Martin A. Colburn.

Yes

No

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, January 3, 2011, the original of which is a part of the meeting minutes.

Deborah J. Cwierniewicz, City Clerk
City of Mason
Ingham County, Michigan

Introduced by:
Second by:

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2010-49**

CITY ADMINISTRATOR EMPLOYMENT CONTRACT AMENDMENT #9

January 3, 2011

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis and further provides that upon completion of the performance evaluation process the Mayor and Mayor Pro Tem may submit to the Council proposed revisions to the Employment Contract between the City Administrator and the City Council;

NOW, THEREFORE, BE IT RESOLVED, that Mayor Leon R. Clark and Mayor Pro Tem Robin Naeyaert do hereby recommend extending the current Employment Contract between Martin A. Colburn and the City Council of the City of Mason for one year.

BE IT FURTHER RESOLVED, that the City Council does hereby authorize the Mayor to execute the Employment Contract between Martin A. Colburn and the City Council of the City of Mason incorporating the revisions proposed herein, effective January 1, 2011.

Yes:

No:

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, January 3, 2011, the original of which is a part of the meeting minutes.

Deborah J. Cwierniewicz, City Clerk
City of Mason
Ingham County, Michigan

CITY OF MASON
STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: January 3, 2011

Agenda Item: 11C

AGENDA ITEM

Resolution No. 2011-01 - Resolution Establishing City Council & Planning Commission Meeting Dates for the Year 2011

EXHIBITS

None.

STAFF REVIEW

City Clerk

SUMMARY STATEMENT

Resolution No. 2011-01 sets the 2011 regular meeting dates for City Council and Planning Commission.

RECOMMENDED ACTION

Move to approve Resolution No. 2011-01.

Introduced: Tornholm
Second: Waltz

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2011-01**

**ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION
MEETING DATES FOR THE YEAR 2011**

January 3, 2011

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2011, and that said meetings are to be held on the first and third Mondays of each month, with two holiday exceptions scheduled as a *Tuesday meeting,

January 3 and 17	July *5 and 18
February 7 and 21	August 1 and 15
March 7 and 21	September *6 and 19
April 4 and 18	October 3 and 17
May 2 and 16	November 7 and 21
June 6 and 20	December 5 and 19; and

BE IT FURTHER RESOLVED, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2011, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months

January 11	May 10	September 13
February 15	June 14	October 11
March 15	July 12	November 15
April 12	August 9	December 13; and

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chamber, City Hall, 201 W. Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.

Yes (7) Clark, Droscha, Ferris, Johnson, Naeyaert, Tornholm, Waltz

No (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Mason City Council at its regular meeting on January 3, 2011, the original of which is part of the Council's minutes.

Deborah J. Cwierniewicz, City Clerk
City of Mason, Ingham County

CITY OF MASON
STAFF AGENDA REPORT TO CITY COUNCIL

Meeting Date: January 3, 2011

Agenda Item: 11D

AGENDA ITEM

Resolution 2011-02 – Resolution to Exclude Temporary Employees from Membership in MERS Under Plan Document Section 3(2)

EXHIBITS

None.

STAFF REVIEW

Administration

SUMMARY STATEMENT

For internal control and auditing purposes, we are attempting to tie up any loose ends and make sure all of our practices are backed up by written policy. Temporary (seasonal) workers are not offered retirement benefits by the city. Most temporary employees work less than six months for the city. Occasionally there is a need to extend this period due to a shortage in the work force.

RECOMMENDED ACTION

Approve Resolution 2011-02.

**RESOLUTION TO EXCLUDE TEMPORARY EMPLOYEES FROM
MEMBERSHIP IN MERS UNDER PLAN DOCUMENT SECTION 3(2)**



TEMPORARY EMPLOYEES who are employed in positions normally requiring less than 6 or more whole months, not to exceed 12 months of work may be excluded by Resolution of the Governing Body from membership in the Municipal Employees' Retirement System (MERS). Temporary employees must be notified in writing by the participating municipality that they are excluded from membership. In accordance with Section 3(2) of the MERS Plan Document, the

City Council of City of Mason 330401
(Governing Body) (name of Participating Municipality) (Municipality #)

Formally elects to **EXCLUDE** effective February 1st*, 2011, all employees
(Month) *Effective date must be on the first (1st)

in positions requiring less than 12 whole months in these Divisions:
(specify number between 6 through 12)

All Divisions

OR

Divisions _____
(specify by Division Name and Number)

I hereby certify that the above is a true copy of a Resolution adopted at the meeting
of the governing body held on January 3, 2011
(Date)

(Signature of Authorized Official)

(Title)

RESOLUTION TO EXCLUDE TEMPORARY EMPLOYEES FROM
MEMBERSHIP IN MERS UNDER PLAN DOCUMENT SECTION 3(2)



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of the governing body held on January 3, 2011
(Date)

(Signature of Authorized Official)

(Title)

City of Mason

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www.mason.mi.us



City Hall 517 676-9155
Police 517 676-2458
Fax 517 676-1330
TDD 1-800-649-3777

MEMORANDUM

TO: Honorable Mayor and Council Members
FROM: Martin Colburn, City Administrator
DATE: January 3, 2011
RE: City Administrator's Report

American Community Survey/U.S. Census

New demographic data is now being received from the U.S. Census Bureau derived from the American Community Survey. This is unique to the City of Mason and smaller cities since the U.S. Census Bureau did not traditionally conduct surveys and gather this data for smaller cities with populations of 20,000 or less. This survey is not to be confused with the 2010 Census, which will be the official numbers used for the next decade.

The trends are what we expected for the City of Mason with regard to growth, and it demonstrates that we are one of the few growing communities throughout the region and state. Items of note are that we have seen a reduction of the higher education by a percentage point. Also, although we are seeing the median family income go up, the poverty rates have skyrocketed from the 2000 Census of 1.3% to the current 13.1%. This increase is predominantly due to the economy within Michigan as well as changing thresholds established by the federal government. It is an unfortunate sign of the times.

What we are experiencing in Michigan and Mason is a population that continues to age, a community that is becoming more diverse and those Americans that are working are working longer. With the shrinking and aging workforce, this is not allowing opportunities for the younger generations. I believe that will have a direct correlation; as referenced earlier, as a factor to having a lower percentage of college-educated population.

I have included articles published by the Lansing State Journal to give you the data from the Census Bureau. If the 2010 Census is accurate, it will reflect much of the same that we are seeing now in the American Community Survey. This data can be advantageous for the City of Mason as both private and public entities look to the population centers as they invest their resources, which means the potential for job creation, as well as financial investment. Once the 2010 Census arrives, staff will review and analyze looking for any discrepancies according to our data. We do this analysis by Census block. In the 2000 Census, a mistake was found and corrected, however, those changes were not published at the national level at the U.S. Census Bureau in accordance to their procedures.

Poverty rise in regions' small towns 'sobering'

Census report
offers snapshot
of factors, data

LOUISE KNOTT AHERN

lkahern@sj.com

Mid-Michigan's small towns have not been spared the skyrocketing poverty rates that have plagued larger urban areas for the past several years, according to data released Tuesday.

The American Community Survey by the U.S. Census Bureau showed that even though towns such as Grand Ledge, Williamston and Eaton Rapids have seen only modest population changes since 2000, the number of families living beneath the federal poverty level has risen drastically.

In Williamston, for example, the number of families living below poverty has risen from 6.4 percent in 2000 to an average of 15.5 percent over the past five years, according to the report.

"It's very sobering," Williamston City Manager Tim-

othy Allard said.

"It's no surprise given the economy."

Tuesday's data are from the American Community Survey and offers a five-year snapshot of several social and economic factors affecting life and public policy, including educational rates and housing occupancy across the nation.

The survey itself is nothing new. But for the first time, this year, it includes de-

tailed data for communities with populations of less than 20,000.

That's especially important for a state such

as Michigan, where such communities represent nearly 95 percent of all municipalities.

Though margins of error are high for some data because the populations are so small, this is the most accurate information

INSIDE

For a five-year snapshot of the characteristics of some cities, see [Page 2A](#)

Census: 5-year survey covers 670K communities nationwide

CONTINUED FROM 1A

available to understand how economic and social conditions are trickling down to small communities.

"It's important that we have this information so we can make decisions about resources," said Jane Zehnder-Merrell of the Michigan League for Human Services, which researches and analyzes safety net data such as poverty and Medicaid.

"It helps to target interventions and scope out within a county where are we seeing the highest escalations (in poverty). I think there's a perception that people are OK if they live in the suburbs or in small communities."

Consisting of about 111 billion individual estimates and covering more than 670,000 distinct geographies, the five-year ACS estimates provide information on topics ranging from commute times to languages spoken at home to housing values.

The surveys compiled and distributed by the Census Bureau, but the American Community Survey data are not part of the official 2010 Census. The first Census report is due out Dec. 21. It will show overall population levels for states and determine whether Michigan will gain or lose any congressional seats.

A SNAPSHOT OF SMALL-TOWN AMERICA

The U.S. Census Bureau on Tuesday released the American Community Survey, a five-year snapshot of the characteristics of American towns and cities. Up until now, small geographic areas had to rely on outdated 2000 Census figures for detailed information about their communities.

	2000 CENSUS	ACS 5-YEAR ESTIMATES		2000 CENSUS	ACS 5-YEAR ESTIMATES
City of Grand Ledge					
Population	7,813	7,691	City of Williamston		
High school diploma*	88.3%	92.9%	Population	3,441	3,791
Bachelor's degree or higher	24.7%	28.7%	High school diploma	90.5%	95.1%
Median family income	\$55,727	\$62,841	Bachelor's degree or higher	30.7%	31.6%
Families below poverty level	6.3%	9%	Median family income	\$51,014	\$62,750
Total housing units	3,405	3,830	Families below poverty level	6.4%	15.5%
Owner occupied	66.20%	65.8%	Total housing units	1,528	1,855
Renter occupied	33.80%	34.4%	Owner occupied	65%	66.9%
City of Eaton Rapids					
Population	5,330	5,260	Renter occupied	35%	33.1%
High school diploma	86.8%	89.2%	Williamstown Twp.		
Bachelor's degree or higher	16.3%	17.3%	Population	4,834	4,902
Median family income	\$48,239	\$50,994	High school diploma	96.3%	98.6%
Families below poverty level	3.2%	3.3%	Bachelor's degree or higher	50.4%	53.2%
Total housing units	2,168	2,322	Median family income	\$86,169	\$95,423
Owner occupied	68.7%	70.1%	Families below poverty level	1.4%	2.8%
Renter occupied	31.3%	29.9%	Total housing units	1,732	1,818
City of Charlotte					
Population	8,389	9,001	Owner occupied	94.3%	95.5%
High school diploma	85%	87.4%	Renter occupied	5.7%	4.5%
Bachelor's degree or higher	18.7%	14%	Lansing Twp.		
Median family income	\$45,759	\$50,829	Population	8,458	7,967
Families below poverty level	7.8%	8.8%	High school diploma	90%	91.3%
Total housing units	3,417	3,812	Bachelor's degree or higher	29.2%	23.6%
Owner occupied	66.6%	71.3%	Median family income	\$50,632	\$48,421
Renter occupied	33.4%	28.7%	Families below poverty level	5.2%	14.7%
City of St. Johns					
Population	7,485	7,344	Total housing units	4,317	4,260
High school diploma	88.4%	92.2%	Owner occupied	53.5%	49.2%
Bachelor's degree or higher	19.9%	28%	Renter occupied	46.5%	50.8%
Median family income	\$52,391	\$64,921	City of Mason		
Families below poverty level	4.9%	5.7%	Population	6,714	8,112
Total housing units	3,148	3,630	High school diploma	89.4%	89%
Owner occupied	68.1%	69.4%	Bachelor's degree or higher	26.3%	25.3%
Renter occupied	31.9%	30.6%	Median family income	\$53,519	\$62,756
Bath Twp.					
Population	7,541	11,126	Families below poverty level	1.3%	13.1%
High school diploma	90.2%	93.3%	Total housing units	2,961	3,651
Bachelor's degree or higher	26.9%	33%	Owner occupied	62.9%	65.9%
Median family income	\$58,825	\$70,036	Renter occupied	37.1%	34.1%
Families below poverty level	3.8%	5.2%	City of Dewitt		
Total housing units	2,931	4,824	Population	4,702	4,409
Owner occupied	88.6%	85.8%	High school diploma	96.4%	97.1%
Renter occupied	11.4%	14.2%	Bachelor's degree or higher	37.3%	41.9%
			Median family income	\$78,995	\$87,246
			Families below poverty level	3.6%	17.2%
			Total housing units	1,661	1,713
			Owner occupied	79.2%	81.4%
			Renter occupied	20.8%	18.6%

Median family income figures in 2000 are in 1999 dollars. The ACS 5-year estimates are in 2009 adjusted dollars.
* High school diploma, 25 years or older.
Source: U.S. Census Bureau

Nation / World

Workforce grows grayer

People 55 and older keep jobs while young kept out

By Dennis Cauchon
USA TODAY

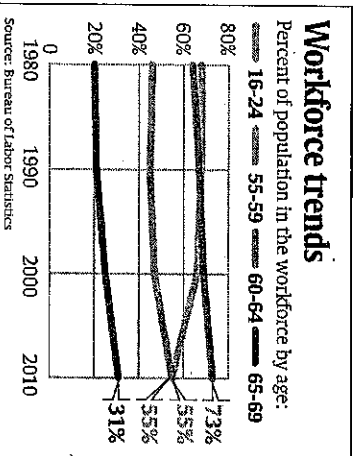
The number of people 55 and older holding jobs is on track to hit a record 28 million in 2010 while young people increasingly are squeezed out of the labor market, a USA TODAY analysis finds.

The portion of people ages 16-24 in the labor market is at the lowest level since the government began keeping track in 1948, falling from 66% in 2000 to 55% this year. There are 17 million in that age group who are employed, the fewest since 1971 when the population was much smaller.

By contrast, people in their 50s, 60s or 70s are staying employed longer than at any time on record.

For example, 55% of people ages 60 to 64 were in the labor market during the first 11 months of 2010, up from 47% for the same period in 2000.

The trend of older people working more and younger people working less is fundamentally



reshaping the labor force and slightly easing pressure on government retirement programs. The pattern started before the recession hit in December 2007, partly the result of more women working, and has continued through the slowdown.

"What's striking about this recession is that people 62 and older — those eligible for Social Security — are increasing their participation in the labor force," says Richard Johnson, an economist at the Income and Benefits Policy Center of the non-partisan Urban Institute.

All groups younger than 55 have declining shares of the population in the labor force.

Johnson says a change in economic incentives — such as raising the retirement age for full Social Security benefits and creating tax breaks — have made it more rewarding to work at an older age.

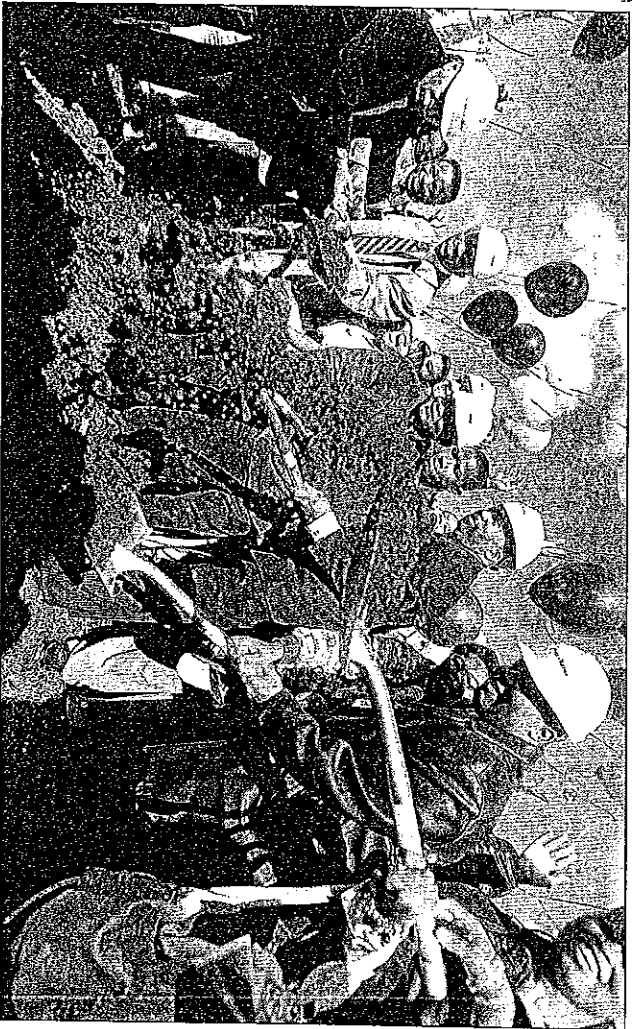
These trends are especially important because the first of 77 million Baby Boomers — the population bulge that happened from 1946 through 1964 — turn 65 next year.

That will make them eligible for government-financed Medicare and close to getting full Social Security benefits at 66.

Better health, longer lives and less physically demanding jobs have prompted people to work longer. But it's not all good news.

"Most people work longer because they have to," says Carl Van Horn, director of the Helldrich Center of Workforce Development at Rutgers University. "Many can't afford to drop out of the labor market without severe financial implications."

That can indirectly hurt young workers, he says. "There are only so many jobs to go around," he says, and older workers have a job advantage that younger ones don't: experience.



By Brandy Baker, The-Detroit-News, via AP

Divisions: Detroit officials break ground on Mumford High School Oct. 21. The city had high segregation between blacks and whites, and the most pronounced between Asians and whites from 2005-09.

'Surprising' segregation numbers show

By Hava El Nasser
USA TODAY

Despite increased racial and ethnic diversity, American neighborhoods continue to be segregated and some of the progress made toward integration since 1980 has come to a halt this decade, according to an analysis of Census Bureau data released Tuesday.

"This is a surprising result," said Brown University sociology professor John Logan, who analyzed 2005-09 Census numbers. "At worst, it was expected that there would be continued slow progress."

The five-year data from the Census Bureau's American Community Survey provides the first opportunity to gauge post-2000 demographic trends all the way down to small neighborhoods.

Logan and his co-author, Florida State University sociologist Brian Stults, also head the US 2010 research project, which examines changes in American society. They found:

► The average non-Hispanic white person continues to live in a neighborhood that looks very different from neighborhoods where the average black, Hispanic and Asian live. Average whites in metropolitan America live in a neighborhood that's 74% white — although it's not as segregated as in 1980, when the average was 88% white.

Even if segregation had continued to slide this decade at the same rate as in the previous 20 years, "It would take into the middle of the century for black segregation rates to come down to the Hispanic level," says Rodrick Harrison, a demographer at the Joint Center for Political and Economic Studies and at Howard University in Washington, D.C., and a former chief of racial statistics at the Census Bureau. "(The decline) was very incremental."

► Blacks continue to be the most segregated minority followed by Hispanics and Asians. The average black American lives in a majority black neighborhood. Logan says that a handful of very large metro areas in the Northeast and Midwest formed a "ghetto belt" of extremely high and fairly constant levels of segregation.

Least diverse

Metro areas with large black populations where segregation is most pronounced between whites and blacks, 2005-09:

1. New York
2. Milwaukee-Waukesha Wis.
3. Newark
4. Detroit
5. Chicago

Metro areas with large Asian populations where segregation is most pronounced between whites and Asians, 2005-09

1. Detroit
2. New York
3. Los Angeles-Long Beach
4. Vallejo-Fairfield-Napa, Calif.
5. Sacramento

Metro areas with large Hispanic populations where segregation is most pronounced between whites and Hispanics, 2005-09

1. New York
2. Los Angeles-Long Beach
3. Newark
4. Salinas, Calif.
5. Philadelphia

Source: Brown University/
US 2010 project

► Hispanic-white segregation was 51.6 in 2000 vs. 50 today.
► Asian-white segregation has grown from 42.1 to 45.9.