

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF APRIL 19, 2004**

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

Present: Councilmembers: Bruno, Clark, Helbig, Johnson, Naeyaert, Whipple
Absent: Councilmembers: Preadmore
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
Joe Dean, DPW Director
Jim Howard, Planning/Zoning Director
Dennis McGinty, City Attorney
Deborah Stein, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: April 5, 2004

The Regular Meeting Minutes of April 5, 2004 were approved as corrected.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Helbig,
To approve the payment of bills in the amount of \$70,177.69 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Public Hearing – Industrial Facilities Exemption Certificate for SSAB

Mayor Whipple opened the public hearing at 7:38 p.m.

Sten Sjoberg, SSAB Hardtech President, stated that he is requesting a tax abatement on the five-million dollar investment for machinery and equipment to install a blanking line that will involve the addition of five employees, for a total of 170 employees. In the six years that the company has been in Mason, their sales have increased five-hundred percent. Although out sourcing is popular, he has not taken that route; in fact, he is exporting to Mexico. The competition pays employees three times less than he pays his employees; they pay the same for materials and equipment, so he has to be three times as efficient. He has installed all four lines, as planned, and the plant is full. Future expansion will require an addition to the building. Twenty percent of his employees are Mason residents.

Resolution No. 2004-23 Industrial Facilities Exemption Certificate for SSAB

Resolution No. 2004-23 was introduced by Clark and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2004-23

APPROVAL OF APPLICATION FOR
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AND
INDUSTRIAL FACILITIES EXEMPTION AGREEMENT
WITH SSAB HARDTECH, INC.

April 19, 2004

WHEREAS, the State of Michigan has enacted 1974 PA 198 allowing industrial property owners property tax abatement under certain conditions; and

WHEREAS, SSAB Hardtech, Inc. (SSAB) has submitted an application to the City for tax abatement pursuant to Act 198, whereby property taxes would be abated or reduced on new industrial facilities to be acquired by the applicant consisting of machinery, equipment, and fixtures of approximately \$5,000,000 as set forth in the applicant's application to the City Administrator dated February 26, 2004; and

WHEREAS, the City Council has adopted Council Resolution No. 92-37, after a public hearing on July 6, 1992, duly noticed by publication, to establish Industrial Development District No. 3 pursuant to Act 198 to encompass the land and territory within which the Applicant proposes to acquire and maintain the building, land improvements, machinery and equipment to be acquired by the Applicant; and

WHEREAS, the description of said property is:

BEG AT NW COR OF SEC 16 - S 89-45-58 E 1033.64 FT ALNG N SEC LN - S 24-17-28 E 1459.66 FT ALNG WLY LN OF CONRAIL R/W - SELY ALNG CURVE TO RT 408.57 FT, RAD OF 2861.25 FT, CHD BRG S 20-12-01 E 408.22 FT - CONT SELY ALNG CURVE TO RT 281.39 FT, RAD OF 2861.25 FT, CHD BRG S 13-17-32 E 281.28 FT - ALNG CURVE TO LEFT 468.82 FT, RAD OF 429.28 FT, CHD BRG N 51-54-02 W 445.86 FT - N 89-43-34 W 534.2 FT - S 00-06-19 W 31.32 FT - N 89-43-34 W 197 FT - S 00-06 19 W 386 FT - N 89-53-41 W 754.03 FT ALNG N LN OF TRILLIUM CT - N 00-04-38 W 2128.84 FT ALNG W SEC LN TO POB ON NW 1/4 OF SEC 16 T2N R1W 63.481 AC M/L CITY OF MASON (1997)

WHEREAS, SSAB wishes to install a new blanking line to their facility and purchase new equipment and machinery on the property legally described above; the value of said personal property to be approximately \$5,000,000; and

WHEREAS, SSAB has committed to the establishment of a minimum of five additional jobs at their facility as a direct result of the installation of the new equipment and machinery; and

WHEREAS, SSAB seeks an Industrial Facilities Exemption Certificate on the real and personal property for a term of twelve (12) years, as described in its Application, dated February 26, 2004; and

WHEREAS, the City Council met in public hearing on April 19, 2004, as heretofore resolved and noticed, for the purpose of considering approval of said application; and

WHEREAS, the City Council has afforded the applicant, the public, the Assessor, and all of the affected taxing units notice of an opportunity for all persons desiring to be heard, either orally or in writing, with respect to the approval of an Industrial Facilities Exemption Certificate for the applicant; and

WHEREAS, the granting of an Industrial Facilities Exemption Certificate to SSAB will not substantially impede the operations or financial soundness of the City of Mason; and

WHEREAS, the City Council has received and considered a proposed written agreement as required by Section 22 of Act 198 to be entered into between the City and SSAB containing the requirements for approval and the terms and conditions under which the Industrial Exemption Facilities Agreement shall be issued and retained;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mason finds and determines that the granting of the SSAB Hardtech, Inc. Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under 1974 PA 198, shall not have the effect of substantially impeding the operation of the City of Mason, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of Mason; and

BE IT HEREBY RESOLVED, that the application of SSAB Hardtech, Inc. for an Industrial Facilities Exemption Certificate for personal property improvements is hereby approved for a period of twelve (12) years; and

RESOLVED FURTHER, the City of Mason and SSAB Hardtech, Inc. shall enter into the written agreement containing the requirement for approval and issuance of the Industrial Facilities Exemption Certificate and allowing for the revocation of the Certificate if conditions imposed by the City of Mason are not met.

RESOLUTION APPROVED UNANIMOUSLY

Ordinance No. 143 – Mason Code Amendments Boards/Commissions – First Reading

Discussion was held regarding the proposed changes to the Mason Code establishing boiler plate language for city boards and commissions as well as correcting conflicting language due to the changes that would be made. All board and commission language will be found or referenced in chapter two. Also, the Utility Rate Study Commission and LDFA would be codified. It was discussed to use standard language with recurring phrases.

MOTION by Johnson, second by Helbig,
To consider Ordinance No. 143 read for the first time.

MOTION APPROVED UNANIMOUSLY

Petition for Annexation

MOTION by Helbig, second by Naeyaert,
To accept the petition for annexation from Coe and Jeanne Emens.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2004-25 To Enter into 1984 PA 425

Resolution No. 2004-25 introduced by Bruno and seconded by Clark. Bruno commented about the agreement and stated that he is not in favor of the time frame because it is too long.

CITY OF MASON
MASON CITY COUNCIL

CITY COUNCIL RESOLUTION NO. 2004-25

RESOLUTION TO ENTER INTO
1984 PA 425 AGREEMENT

WHEREAS, the City Council of the City of Mason has conducted a public hearing pursuant to Section 4 of 1984 PA 425, MCL 124.24; and

WHEREAS, the City of Mason is desirous of entering into an agreement with the Township of Vevay pursuant to 1984 PA 425, MCL 124.21, *et seq.*, a copy of which is attached hereto as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED that the City of Mason shall enter into the Contract for Conditional Transfer of Property pursuant to 1984 PA 425 and the Mayor and Clerk are hereby authorized to execute said agreement on behalf of the City pursuant to Section 5 of Act 425.

Yes (5) Clark, Helbig, Johnson, Naeyaert, Whipple

No (1) Bruno

Absent(1) Preadmore

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2004-26 To Enter into Urban Cooperation Agreement with Vevay Township, Ingham County, Michigan

Resolution No. 2004-26 was introduced by Clark and seconded by Bruno. The Township requested that the city provide specific accounting for payment management. They agreed to a side letter agreement that would be delivered at the same time as the 425 and 108 Agreements.

CITY OF MASON
MASON CITY COUNCIL

CITY COUNCIL RESOLUTION NO. 2004-26

RESOLUTION TO ENTER INTO
URBAN COOPERATION AGREEMENT

WHEREAS, the City Council of the City of Mason, acting pursuant to MCL 117.9(8), has approved and consented to the annexation of a parcel of land to the City of Mason, said parcel of land being described in Exhibit A and as depicted on the map on Exhibit B of the attached Urban Cooperation Agreement between the City of Mason and the Township of Vevay; and

WHEREAS, the City of Mason and the Township of Vevay wish to share, manage, and control growth within the annexed area, to assure the availability of municipal services to that area, to avoid duplication of municipal services, to preserve the environment and protect the public health, safety and welfare, to minimize adverse effects on adjacent residential uses, to preserve open space and wetlands, to protect and enhance property values and the general economic well being of the City and the Township, to preserve and enhance regional cooperation between the City and the Township; and

WHEREAS, in such circumstances, the Urban Cooperation Act of 1967, as amended, particularly by 1995 PA 108, same being MCL 124.501 *et seq.*, authorizes the City and the Township to enter into an interlocal agreement of the kind and character that is the subject of this resolution; and

WHEREAS, the City Council of the City of Mason finds the attached Urban Cooperation Agreement between the City of Mason and the Township of Vevay to be in furtherance of the best interests of the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mason, Ingham County, Michigan, does hereby approve the Urban Cooperation Agreement between the City of Mason and the Township of Vevay, a copy of which is attached to and incorporated in this resolution; and

BE IT FURTHER RESOLVED that the City Council of the City of Mason has determined to enter into said Urban Cooperation Agreement with the Township of Vevay and it hereby authorizes and directs the Mayor and Clerk to execute, and the City Administrator to effectuate, said Agreement on behalf of the City of Mason in accordance with the provisions of MCL 124.505a.

BE IT FURTHER RESOLVED that this Urban Cooperation Agreement shall become effective on the filing of a certain Act 425 Agreement with the Michigan Secretary of State Office of Great Seal, which resolution to enter into said Act 425 Agreement was adopted on April 19, 2004.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2004-27 Annexation of Emens Property

Resolution No. 2004-27 introduced by Bruno and seconded by Clark.

CITY OF MASON
MASON CITY COUNCIL

CITY COUNCIL RESOLUTION NO. 2004-27

RESOLUTION OF ANNEXATION

WHEREAS, on April 12, 2004, a petition for annexation was filed with the Mason City Council and the Vevay Township Board of Trustees by Coe F. Emens, II and Jeanne A. Emens seeking annexation pursuant to Section 9(8) of the Michigan Home Rule City Act, MCL 117.9(8), of an area of the Township in Section 7 containing of 37.53 acres, the legal description and map of which is attached hereto as Exhibits A and B; and

WHEREAS, subsection 9(8) of the Home Rule City Act provides that, where a petition for annexation is filed pursuant to subsection 9(8) by the owners of more than 50% of the area described and no qualified electors reside in the territory proposed to be annexed to the city other than the one or more persons petitioning, and the area is contiguous to the city, annexation may be accomplished by a majority vote of the City Council of the City of Mason and the Board of Trustees of the Township of Vevay; and

WHEREAS, the aforesaid parcel is adjacent and contiguous to the city of Mason and no persons reside in said area other than the person signing the annexation petition;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mason, Ingham County, Michigan, does hereby approve the annexation of that certain area of land legally described in Exhibit A and as depicted in the map attached as Exhibit B to the City of Mason as provided by Section

9(8) of the Home Rule City Act, 1989 PA 279, MCL 117.9(8), as amended; and

BE IT FURTHER RESOLVED that, as a condition of annexation of said territory to the City of Mason, the City shall comply with the terms of a certain Urban Cooperation Agreement between the City and the Township approved concurrently with this resolution.

BE IT FURTHER RESOLVED that this approval so made by this resolution and vote of a majority of the Council members of the Mason City Council will not be effective until such annexation is approved and consented to by the Township Board of Vevay Township, Ingham County, Michigan; and

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to notify the Township Board of Vevay Township, Ingham County, Michigan, of the adoption of this resolution; give the Township Clerk of said Township a certified copy of this resolution; and after the resolution herein made is approved and consented to by said Township Board, the City Clerk shall file duplicate certified originals of the City and Township resolutions with the Office of Great Seal of the Michigan Secretary of State and the Ingham County Clerk, and shall do and perform all other acts needed to complete the annexation of said parcel of land to the City of Mason.

BE IT FURTHER RESOLVED that this annexation shall become effective on the filing of a certain Act 425 Agreement with the Michigan Secretary of State Office of Great Seal, which resolution to enter into said Act 425 Agreement was adopted on April 19, 2004.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2004-28 Adoption of the Master Plan

The Mason Planning Commission has recommended adoption of the Master Plan via Planning Commission Resolution No. 2004-09. **Resolution No. 2004-28** was introduced by Clark and seconded by Bruno.

CITY OF MASON CITY COUNCIL RESOLUTION 2004-28

A RESOLUTION ADOPTING THE MASTER PLAN

April 19, 2004

WHEREAS, the City of Mason Planning Commission has prepared a new "Master Plan" to heighten its ability to guide and manage growth and development pursuant to Public Act 285 of 1931 as amended; and

WHEREAS, the Master Plan, including its Future Land Use Map and descriptive text, indicates desired development patterns in the City consistent with goals, objectives, policies and strategies contained in the Plan; and

WHEREAS, said Plan was prepared in part to assist in the understanding of City development needs so as to properly advise the Mason City Council and citizens regarding appropriate land use configurations; and

WHEREAS, the Planning Commission did conduct a public hearing on the proposed Plan at its regular meeting held April 13, 2004; and

WHEREAS, the Mason Planning Commission did approve said Master Plan at its regular meeting held April 13, 2004 by adoption of Planning Commission Resolution 2004-09;

THEREFORE BE IT RESOLVED that the Mason City Council does hereby approve the Master Plan adopted by the Planning Commission on April 13, 2004.

RESOLUTION APPROVED UNANIMOUSLY

Bid – Backwash Return Pumps Rebuild Project

MOTION by Helbig, second by Clark,

To award the \$10,285 bid to Layne-Northern Company for the rebuild of two backwash return pumps at the Waste Water Treatment Plant, not to exceed \$15,285 in the event

that both pumps require new bowl assemblies.
MOTION APPROVED UNANIMOUSLY

Request – Mason Lions Club – Use of Public Right-of-Way for White Cane Drive

MOTION by Clark, second by Naeyaert,
To approve the Mason Lions Club's request to use the public right-of-way for their annual White Cane Drive on the sidewalks of Mason, Friday, April 23rd and Saturday, April 24th.
MOTION APPROVED UNANIMOUSLY

Mayoral Proclamation – Arbor Day

The City of Mason has been named a Tree City USA by the National Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service. It is the thirteenth year Mason has received this national recognition. The Mayor annually commemorates Arbor Day by proclamation to demonstrate the city's commitment to trees in our community. The Tree Commission has selected Michael Fuhrig as their Mason Arbor Day Honoree for 2004. As honoree, Mr. Fuhrig will choose a tree and the location for planting. The annual ceremony will be held Arbor Day, April 30, at the site chosen for planting the tree.

Resolution No. 2004-24 Memorandum of Agreement with the Greater Lansing Regional Committee (GLRC)

Dean gave a brief explanation of the federally mandated Storm water Phase II regulations. The City is a participant of the Greater Lansing Regional Committee which anticipates meeting April 23, 2004 to consider the agreement providing a formalized framework for the Committee.

Resolution No. 2004-24 introduced by Bruno and seconded by Clark.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2004-24**

**MEMORANDUM OF AGREEMENT FOR THE GREATER LANSING REGIONAL
COMMITTEE ON PHASE II NONPOINT SOURCE POLLUTION PREVENTION**

April 19, 2004

WHEREAS, The United States Environmental Protection Agency (EPA) has required communities in the greater Lansing area to apply for a National Pollutant Discharge Elimination System Phase II (NPDES II) permit by March 2003, and subsequently each community and agency has received their certificate of coverage (COC) in November of 2003; and

WHEREAS, the communities consisting of the City of Lansing, City of East Lansing, City of DeWitt, City of Grand Ledge, City of Mason, the Village of Dimondale, Meridian Charter Township, Lansing Charter Township, Delta Charter Township, Delhi Charter Township, Bath Charter Township, DeWitt Charter Township, Oneida Charter Township, Windsor Charter Township, Watertown Charter Township and Vevay Township, and the county agencies of Clinton, Eaton and Ingham Counties, have previously informally established the Greater Lansing Area Regional NPDES Phase II Storm Water Regulations Committee; and

WHEREAS, the Committee has prepared, reviewed, and proposed a MEMORANDUM OF AGREEMENT for adoption by all of the communities and agencies to formalize and establish the GREATER LANSING REGIONAL COMMITTEE; and

WHEREAS, the Committee has prepared, reviewed, and proposed a budget for 2004 and 2005 for adoption by all of the communities and agencies; and

WHEREAS, the MEMORANDUM OF AGREEMENT establishing the Committee requires that each community's governing body approve the AGREEMENT and BUDGET and to name a person to represent the community on the committee; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the MEMORANDUM OF AGREEMENT and BUDGET, and authorizes an expenditure not to exceed \$7,000.00 for their portion of the 2004 and 2005 budget of the Greater Lansing Regional Committee.

BE IT FURTHER RESOLVED, that the Mason City Council does hereby appoint Joe Dean, the Director of Public Works, to be the representative to the Greater Lansing Regional Committee, and Jim King, the Superintendent of the Publicly Owned Treatment Plant, as the designated alternate.

RESOLUTION APPROVED UNANIMOUSLY

Request – Excused Absence – Scott Preadmore

MOTION by Naeyaert, second by Johnson,
To excuse Scott Preadmore from the April 19, 2004 meeting.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

- Johnson informed Council that he received correspondence from various homeowners in Rayner Ponds. They are aware that their subdivision will be utilized as a detour due to the Okemos Street construction, they are requesting signage and increased police patrols during high traffic hours throughout the construction project. Colburn stated that he and Chief McCormick were copied on the correspondence and have included it on the Traffic Commission agenda for next week.
- Clark suggested marking the Riverwalk crosswalks on Ash and Jefferson streets.

CORRESPONDENCE

All correspondence was distributed. Correspondence to the Mayor and City Staff was noted from Sam Chrome regarding weekend use of baseball fields by the Mason Baseball/Softball Clubs.

LIAISON REPORTS

Clark informed the Council regarding the following Planning Commission items:

- The Master Plan was approved for recommendation to the Council.
 - The special use permit request was approved to establish a video game/arcade center at 226 State Street.
 - Riverwalk Meadows, Phase II was granted approval, subject to the elimination of lot number six.
 - Hayhoe Riverwalk was approved as a city park facility.
-
- The Planning Commission did not provide a formal recommendation regarding the development of Orchard Lane. They suggested allowing the situation to progress on its own course and see

what happens. It was discussed that this item was considered at the end of a five-hour meeting and that it may be worthwhile to clarify the request and present it for consideration again.

ADMINISTRATOR'S REPORT

Colburn informed the Council on the following items.

- Colburn, Whipple, and Howard attended the Ingham County presentation regarding the development of a farmland preservation program and purchase of development rights.
- The contractor hired to perform tree trimming, removal of trees and stumps, and transplanting of trees has been dismissed due to non-performance. Staff is contacting Ayles Tree Service, the subsequent low bidder.
- Coordination of dates were discussed for holding the Mason School and City Joint Recognition Ceremony.
- The City of Mason and the City of Tecumseh will participate in Mayor Exchange Day in Mason on May 18 and in Tecumseh May 25.
- Michigan Council of Local Governments is having a luncheon April 28.
- The Michigan Municipal League Regional Meeting will be held May 5.

PEOPLE FROM THE FLOOR

Billie Jo O'Berry, judicial candidate for the 55th District Court, introduced herself to the Council.

EXECUTIVE SESSION

MOTION by Clark, seconded by Bruno,

To adjourn to executive session to discuss pending litigation before the Michigan State Tax Tribunal.

ROLL CALL VOTE: Yes: (6) Bruno, Clark, Helbig, Johnson, Naeyaert, Whipple

No: (0)

Absent: (1) Preadmore

MOTION APPROVED UNANIMOUSLY

MOTION by Clark, seconded by Bruno,

To adjourn to executive session to discuss an attorney/client privileged communication.

ROLL CALL VOTE: Yes: (6) Bruno, Clark, Helbig, Johnson, Naeyaert, Whipple

No: (0)

Absent: (1) Preadmore

MOTION APPROVED UNANIMOUSLY

The meeting adjourned at 9:25 pm.

Martin A. Colburn, City Clerk

Russell W. Whipple, Mayor