

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 17, 2004**

Whipple called the meeting to order at 7:30 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, Preadmore, Whipple

Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
Dennis McGinty, City Attorney
Deborah Stein, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: May 3, 2004

MOTION by Naeyaert, seconded by Johnson,
To amend the May 3, 2004 City Council Minutes on page three, seventh paragraph, fifth line, by striking the sentence that begins with *He stated* and ends with *in 2003*.

MOTION APPROVED UNANIMOUSLY

MOTION by Helbig, seconded by Preadmore,
To amend the May 3, 2004 City Council Minutes on page four, under Ordinance No. 143, in the second motion, by striking the seconder, Naeyaert, and insert Helbig.

MOTION APPROVED UNANIMOUSLY

The Regular Meeting Minutes of May 3, 2004 were approved as amended.

APPROVAL OF BILLS

MOTION by Helbig, seconded by Johnson,
To approve the payment of bills in the amount of \$242,587.44 as submitted.

MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Phil Bernardi of 359 Okemos Street commended Clark for taking responsibility of the budget and suggesting that it is the Council's responsibility; Naeyaert for contacting the Okemos Street residents regarding special assessments, and Colburn and the City Staff for the informative meeting held regarding special assessments for Okemos Street. He commented briefly regarding the ad hoc committee.

Jon Jenkins of 213 S. Jefferson Street commented on behalf of the St. Mark Lutheran Church and as a city resident regarding the property on Orchard Lane. The Church would like to close this transaction as soon as possible with the developer.

Colburn introduced Dan Himebaugh, currently serving in an Internship for the Administration Office.

PUBLIC HEARING – IFT – MICHIGAN PACKAGING COMPANY

Mayor Whipple opened the public hearing at 7:50 p.m.

John Klien, Vice President/General Manager of Michigan Packaging Company, stated that the reinvestment of the company represents a complete rebuilding of the facility. He gave a brief overview of the company and its intent for the future.

Mayor Whipple closed the public hearing at 7:53 p.m.

REGULAR BUSINESS

Resolution No. 2004-32 Public Hearing IFT – Michigan Packaging

Resolution No. 2004-32 was introduced by Clark and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2004-32**

**APPROVAL OF APPLICATION FOR
INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AND
INDUSTRIAL FACILITIES EXEMPTION AGREEMENT
WITH MICHIGAN PACKAGING COMPANY**

May 17, 2004

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

WHEREAS, Michigan Packaging Company 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, furniture, and fixtures, and building materials of approximately \$16,322,000 as set forth in the applicant's application to the City Administrator dated April 12, 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 PT ON NS 1/4 LN 3164.68 FT S 00-23-23 E FROM THE N 1/4 COR SEC 16, SD PT ALSO BEING 522.62 FT S 00-23-23 E FR CEN OF SEC 16 AND 2131.45 FT N 00-23-23 W FROM THE S 1/4 COR SEC 16, N 23-46-44 E PLL TO CONRAIL RR SPUR 244.25 FT, N 00-23-23 W PLL TO NS 1/4 LN 400.56 FT, N 23-46-44 E 715.94 FT PLL WITH & 36 FT SELY OF C/L CONRAIL RR SPUR, N 89-53-35 E 210.45 FT TO C/L EDEN RD, S 31-07-27 E 1562.92 FT, S 89-53-35 W 751.08 FT, S 00-23-23 E 395.23 FT S 89-49-14 W 651.25 FT TO NS 1/4 LN, N 00-23-23 W ON 1/4 LN 456.98 FT TO POB SEC 16 T2N R1W CITY OF MASON, INGHAM COUNTY, MI. 31.87 ACRES M/L

WHEREAS, Michigan Packaging Company wishes to update their facility and purchase new equipment and machinery on the property legally described above; the value of said personal property to be approximately \$16,322,000; and

WHEREAS, Michigan Packaging Company has committed to maintaining the existing one-hundred-five jobs at their facility as a direct result of the improvements and installation of the new equipment and machinery; and

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

WHEREAS, the City Council met in public hearing on May 17, 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 Michigan Packaging Company 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 Michigan Packaging Company 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 Michigan Packaging Company 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 Michigan Packaging Company for an Industrial Facilities Exemption Certificate for personal and real property improvements is hereby approved for a period of twelve (12) years; and

RESOLVED FURTHER, the City of Mason and Michigan Packaging Company 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

Resolution No. 2004-33 Acceptance of Utilities for Meijer Store #174

Resolution No. 2004-33 was introduced by Bruno and seconded by Clark.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2004-33

ACCEPTANCE OF UTILITIES EASEMENTS - MEIJER STORE #174

May 17, 2004

WHEREAS, sanitary sewer and drinking water systems have been constructed at the Meijer Store #174, Mason, Michigan; and

WHEREAS, the City of Mason desires to obtain permanent easements from Meijer, Inc., Subsidiaries & Affiliates for the sanitary sewer and water systems; and

WHEREAS, the above-described utilities have been constructed as per the City of Mason Development Standards, inspected and approved by the City Engineer and the Director of Public Works;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby accept the sanitary sewer and drinking water systems as public utilities and the associated easements.
RESOLUTION APPROVED UNANIMOUSLY

Capital Area District Library 2003 Annual Report

Kevin Tomlinson, Branch Head for the Mason Branch of the Capital Area District Library, gave a brief presentation of the Capital Area District Library 2003 Annual Report.

MOTION by Helbig, seconded by Preadmore,
To accept the Capital Area District Library 2003 Annual Report and place it on file.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Bruno stated that he would like to present the city with a plaque listing the Arbor Day Honorees and asked for a list of the honorees.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

Clark informed the Council of the following Planning Commission business.

- A public hearing was held for the Baymount Inn; the Commission approved a special use permit and the preliminary site plan review
- The final site plan was approved for Riverwalk Meadows with the condition that sidewalk would be negotiated with staff
- The Commission has recommended limiting traffic, by any means necessary, from Orchard Lane onto Columbia Street

Colburn informed the Council of the following LDFA business.

- The budget was approved

- Appropriations for wells were approved.

Whipple informed the Council of the following DDA business.

- The budget was approved
- A facade grant request was approved for the Dog Den

ADMINISTRATOR'S REPORT

Colburn informed the Council of the following items.

- The City of Tecumseh will arrive tomorrow for Mayors' Exchange Day at 9:00 a.m.
- There will be seven candidates on the 2004 General Election ballot vying for the four council seats: Russell Whipple, Jim Mulvany, Jim Maddox, Robert Vargus, Leon Clark, Rod Hunt, and Christine Helbig
- A letter submitted from Planning Commissioner Mike Klepinger requested that the city obtain an independent opinion in addition to the legal opinion of Attorney Tom Hitch to "establish clear policy about who can serve on ad hoc advisory committees." McGinty stated that he is in full agreement with Attorney Hitch's opinion, which was based upon the Planning Enabling Act and the General Incompatibility of Offices Statute. It was the consensus of the Council that a legal opinion had been requested and provided, and there is no need to pursue this matter further.

Whipple informed the Council that the Ad Hoc Recreation Committee presented the latest sports complex concept to the Ingham County Fair Board last week. The plan was approved and will proceed through the County Commission Committee process.

Revels informed the Council that Police Chief Robert McCormick will be retiring May 31, 2004. The public is invited to an Open House in his honor Friday, May 28, in the Council Chambers from 12:00 p.m. to 4:00 p.m.

PEOPLE FROM THE FLOOR

John Klein of Michigan Packaging thanked the Council for the opportunity to expand the his company within the city of Mason. Council thanked him for investing in the Mason community.

Steve Dugan of 2455 Pine Tree Road announced his candidacy for 14th Ingham County Commissioner seat.

EXECUTIVE SESSION

MOTION by Clark, seconded by Preadmore,

To adjourn to executive session to discuss the acquisition of property.

ROLL CALL VOTE: Yes (7) Bruno, Clark, Helbig, Johnson, Naeyaert,
Preadmore, Whipple

No (0)

MOTION APPROVED UNANIMOUSLY

The meeting adjourned at 8:20 pm.

Martin A. Colburn, City Clerk

Russell W. Whipple, Mayor