

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF OCTOBER 18, 2004**

Whipple called the meeting to order at 7:37 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, Coady-Helbig, Johnson, Naeyaert, Preadmore, Whipple

Absent: Councilmembers: None

Also present: Martin Colburn, City Administrator  
John Stressman, Police Chief  
Dave Scutt, Fire Chief  
Joe Dean, DPW Director  
Dennis McGinty, City Attorney  
Mike Kluck, City Labor Attorney  
Deborah J. Cwierniewicz, Deputy City Clerk

**APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: October 4, 2004**

The Regular Meeting Minutes of October 4, 2004 were approved as submitted.

**APPROVAL OF BILLS**

MOTION by Coady-Helbig, seconded by Johnson,  
To approve the payment of bills in the amount of \$269,033.55 as submitted.  
**MOTION APPROVED UNANIMOUSLY**

**PEOPLE FROM THE FLOOR**

Beth Chandler stated that she is running for the State Representative seat and spoke briefly to her viewpoints on various issues.

Don Vickers stated that he is running for the 16<sup>th</sup> District City Commissioner seat and spoke briefly to his viewpoints on various issues.

Billie Jo O'Berry stated that she is running for the 55<sup>th</sup> District Court Judge seat and spoke briefly to her viewpoints on various issues.

**REGULAR BUSINESS**

**Public Hearing – Ingham County Housing Commission – Grant Application to the Michigan State Housing Development Authority Under the 2004 Housing Resource Fund**

Vicki Carris, CDBG Coordinator for the Ingham County Housing Commission, stated that by means of the 2002 Michigan State Housing Development Authority (MSHDA) grant, ten downtown apartments were rehabilitated to new code status. With the approval of another grant, it is expected that 12–15 more downtown loft apartments could be renovated as well. The grant would provide \$400,000 over a two year period.

Whipple opened and closed the public hearing at 7:49 p.m. as there were no comments.

**Executive Session – AFSCME Contract Negotiations**

MOTION by Clark, seconded by Bruno,  
To adjourn to executive session to consider the AFSCME Contract Negotiations.

ROLL CALL VOTE:

YES (7) Clark, Coady-Helbig, Johnson, Naeyaert, Preadmore, Bruno, Whipple

NO (0)

City Council adjourned to executive session at 7:50 p.m. and reconvened at 8:12 p.m.

**Resolution No. 2004-57 AFSCME Contract Negotiations**

**Resolution No. 2004-57** was introduced by Johnson and seconded by Naeyaert.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2004-57  
AFSCME AGREEMENT**

**October 18, 2004**

**BE IT HEREBY RESOLVED** by the City Council of the City of Mason that it does hereby ratify an Agreement between the City of Mason and Mason City Employees, Chapter of Local #1390, Council 25, American Federation of State, County and Municipal Employees, dated July 1, 2004 – June 30, 2007; and

**BE IT FURTHER RESOLVED**, the Mayor and City Administrator are hereby authorized to execute said Agreement on behalf of the City Council.

RESOLUTION APPROVED UNANIMOUSLY

**Presentation – Michigan Packaging Update – John Klein**

John Klein, Michigan Packaging representative, spoke to decisions Michigan Packaging has made regarding changes that will occur since City Council approved a tax abatement in April for Michigan Packaging. They also were approved for tax credits under the Mega Bill that Governor Granholm signed Friday for 13.5 million dollars. Colburn spoke to the possible need of amending the tax abatement if there is more than a ten percent change of the initial amount of investment.

**Presentation – Phil Birdsall – Ingham Court**

Phil Birdsall, DDA Director, stated that the DDA is requesting that the Ingham Court street improvement project be removed from the 2005 construction schedule and be placed on the 2006 construction schedule. He explained that aesthetic improvements for Ingham Court have been in the DDA plan for some time; however, it is scheduled for several years in the future. Although they have been planning to consider it sooner, they would be unable to have a design prepared in time for this year. Mr. Birdsall stated that the street work and the aesthetic work for the alley should be done at the same time.

Discussion ensued regarding the time frame for repair, upgrade, and aesthetic improvements for Ingham Court.

MOTION by Preadmore, second by Johnson,  
To grant the DDA request to move the Ingham Court improvement project from the 2005 Budget to the 2006 Budget.

ROLL CALL VOTE:

Yes (2) Preadmore, Whipple  
No (5) Johnson, Naeyaert, Bruno, Clark, Coady-Helbig,  
MOTION FAILED

**2005 Special Assessment Resolution 1, Project No. 2005-1**

**2005 Special Assessment Resolution 1, Project No. 2005-1** was introduced by Naeyaert and seconded by Johnson.

**CITY OF MASON**

**2005 SIDEWALK, CURB AND GUTTER, AND DRIVEWAY IMPROVEMENTS  
SPECIAL ASSESSMENT RESOLUTION NO. 1  
PROJECT NO. 2005-1**

**October 18, 2004**

**WHEREAS**, upon its own motion and without petition, the City Council of the City of Mason desires to be advised of the feasibility of certain sidewalk, curb and gutter, and driveway improvements within the City, generally described as follows:

The installation of sidewalks and related improvements, and/or the replacement of sidewalk, the installation of curb and gutter, the installation of concrete driveways between the sidewalk and curb, seeding, fertilizing, and mulching in the public right-of-way of the following properties and along and adjacent to the following streets: 126-128 Okemos, 525 Randolph, 601 Randolph, 621 Randolph, 703 Randolph, 202 N Mason, 332 Center, 308 Center, 320 Center, 314 Center, 124 N Mason, 339 Center, 321 Center, Center (Vacant), 125 N East, 755-757 W Ash, 712 S Lansing, 714 S Lansing, 501 S Lansing, 601 S Lansing, 617 S Lansing, 705 S Lansing, 713 S Lansing, 134-136 E Columbia, 118 S Barnes, 228 E Columbia;

**WHEREAS**, an estimate of the expenses of the Project and engineering drawings must be made, and the proposed special assessment district therefore must be determined.

**NOW THEREFORE BE IT RESOLVED**, that

- 1) the City Council does hereby tentatively declare its intention to proceed with the Project;
- 2) the City Administrator and/or Treasurer are hereby ordered to cause plans showing the Project, the location thereof, the proposed special assessment district, and estimates of the cost of the Project, to be prepared by Wolverine Engineers and Surveyors, Inc., Mason, Michigan;
- 3) the City Administrator, when the engineering plans and estimates for the Project are completed, is ordered to file same with the City Clerk, and said plans and estimates shall be made available for public inspection;
- 4) the City Administrator and/or Treasurer are hereby further authorized to proceed with all other necessary actions to initiate the Project;
- 5) All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

Resolution Approved Unanimously

**2005 Special Assessment Resolution 2, Project No. 2005-1**

**2005 Special Assessment Resolution 2, Project No. 2005-1** was introduced by Naeyaert, seconded by Johnson.

**CITY OF MASON**

**2005 SIDEWALK, CURB AND GUTTER AND DRIVEWAY IMPROVEMENTS SPECIAL  
ASSESSMENT RESOLUTION NO. 2  
PROJECT NO. 2005-1**

**October 18, 2004**

**WHEREAS**, the City Council has ordered plans and estimates of costs of certain sidewalk, curb and gutter and driveway improvements described more specifically below, to be made; and

**WHEREAS**, the City Council of the City of Mason, deems it advisable and necessary for the public health, safety and welfare of the City and its inhabitants to carry out the following generally described sidewalk, curb and gutter and driveway improvement project:

The installation of sidewalks and related improvements, and/or replacement of sidewalk, curb and gutter, the installation of concrete driveways between the sidewalk and curb, seeding, fertilizing, and mulching in the public right-of-way of the following properties and along and adjacent to the following streets: 126-128 Okemos, 525 Randolph, 601 Randolph, 621 Randolph, 703 Randolph, 202 N Mason, 332 Center, 308 Center, 320 Center, 314 Center, 124 N Mason, 339 Center, 321 Center, Center (Vacant), 125 N East, 755-757 W Ash, 712 S Lansing, 714 S Lansing, 501 S Lansing, 601 S Lansing, 617 S Lansing, 705 S Lansing, 713 S Lansing, 134-136 E Columbia, 118 S Barnes, 228 E Columbia;

Further, the City Council deems it advisable to defray all or a portion of the cost of the Project through special assessments assessed against the properties specially benefited thereby; and

**WHEREAS**, the City Council desires to proceed further with the Project.

**NOW THEREFORE BE IT RESOLVED**, that:

- 1) upon completion, the plans showing the Project and location thereof, and the estimate of the cost thereof, shall be filed with the City Clerk and shall be available for public examination;
- 2) the City Council tentatively declares its intention to proceed with the Project as generally described above, and to defray all or a portion of the cost thereof by special assessments against the properties specially benefited thereby in the proposed sidewalk, curb and gutter and driveway improvement special assessment district;
- 3) there is hereby tentatively designated a special assessment district against which all or a portion of the costs of the Project are to be assessed, consisting of the lots and parcels of land described in **Exhibit A**, attached hereto and made a part hereof by reference;
- 4) the City Council shall meet at a regular meeting in the City Hall, 201 West Ash Street, Mason, Michigan 48854, on Monday, the 20<sup>th</sup> day of December, 2004 at 7:30 p.m., at which time and place the City Council will hear any objections to the Project and to the proposed special assessment district therefore;
- 5) the City Clerk is hereby ordered to cause notice of such hearing to be made to the owners of the lots and parcels of land described in **Exhibit A**, attached hereto and made a part hereof by reference, pursuant to Section 66 of the Mason Code and the provisions of the City Charter. Said notice shall be in substantially the following form:

**NOTICE OF HEARING**

**CITY OF MASON  
INGHAM COUNTY, MICHIGAN**

**NOTICE OF PUBLIC HEARING ON THE  
SPECIAL ASSESSMENT ROLL FOR THE  
SIDEWALK, CURB AND GUTTER AND DRIVEWAY IMPROVEMENTS**

**SPECIAL ASSESSMENT PROJECT NO. 2005-1**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN**, the owners of the land described below within the Sidewalk Special Assessment District 2005-1, and any other interested persons:

**PLEASE TAKE NOTICE** that the City Council of the City of Mason, acting on its own initiative, proposes to make the following generally-described sidewalk improvements with respect to the proposed Sidewalk Improvement Special Assessment District-Project 2005-1:

The installation of sidewalks and related improvements, and/or the replacement of sidewalk, the installation of curb and gutter, the installation of concrete driveways between the sidewalk and curb, seeding, fertilizing, and mulching in the public right-of-way of the following properties and along and adjacent to the following streets: 126-128 Okemos, 525 Randolph, 601 Randolph, 621 Randolph, 703 Randolph, 202 N Mason, 332 Center, 308 Center, 320 Center, 314 Center, 124 N Mason, 339 Center, 321 Center, Center (Vacant), 125 N East, 755-757 W Ash, 712 S Lansing, 714 S Lansing, 501 S Lansing, 601 S Lansing, 617 S Lansing, 705 S Lansing, 713 S Lansing, 134-136 E Columbia, 118 S Barnes, 228 E Columbia;

Plans have been prepared and are on file with the City Clerk for public examination.

**TAKE FURTHER NOTICE** that the City Council will meet on Monday, the 20th day of December, 2004, at 7:30, p.m., in the City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of hearing any objections to the proposed sidewalk improvement project and the proposed special assessment district therefor.

Appearance and protest at the hearing, in person or in writing, are required in order to appeal the action of the City Council in approving the proposed sidewalk improvement project, the special assessment district or the amount of the special assessment to the state tax tribunal. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment proceedings or may file his or her appearance and protest by letter and his or her personal appearance will not be required. The owner or any person having an interest in the real property who protests in person or in writing at the hearing may file a written appeal of a special assessment with the state tax tribunal within 30 days of the date the special assessment roll is confirmed by the City Council.

Further information regarding the street and sidewalk improvement special assessment project is available at the City Clerk's offices, City Hall, 201 West Ash Street, Mason, Michigan 48854.

Dated: October 18, 2004

\_\_\_\_\_  
Martin Colburn, City Clerk  
City of Mason  
Ingham County, Michigan

- 6) all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

Resolution Approved Unanimously

**2005 Special Assessment Resolution No. 1, Project No. 2005-2**

**2005 Special Assessment Resolution No. 1, Project No. 2005-2** was introduced by Johnson, seconded by Naeyaert.

Discussion ensued regarding the time frame regarding the repair, upgrade, and aesthetic improvements of Ingham Court. A great deal of deliberation was held to consider the DDA's request to schedule the Ingham Court reconstruction to 2006 to allow the them time to prepare aesthetic plans that would be completed in tandem.

Further discussion was held regarding the scheduling of construction and the DDA's aesthetic plans and time frame for Ingham Court.

**CITY OF MASON**

**2005 STREET IMPROVEMENTS  
SPECIAL ASSESSMENT RESOLUTION NO. 1  
PROJECT NO. 2005-2**

**October 18, 2004**

**WHEREAS**, upon its own motion and without petition, the City Council of the City of Mason desires to be advised of the feasibility of certain street improvements within the City, generally described as follows:

The installation of streets and related improvements consisting of excavation, bituminous paving, curb and gutter and related street drainage improvements, concrete driveway approaches, and construction area restoration of Ingham Court in the public right-of-way of the following properties: 173 W Maple, 155 W Maple, 147 W Maple, 144 W Ash, 124-136 W Ash, 344 S Jefferson, 138 W Ash, 322 S Jefferson;

**WHEREAS**, an estimate of the expenses of the Project and engineering drawings must be made, and the proposed special assessment district therefore must be determined.

**NOW THEREFORE BE IT RESOLVED**, that

- (1) the City Council does hereby tentatively declare its intention to proceed with the Project;
- (2) the City Administrator and/or Treasurer are hereby ordered to cause plans showing the Project, the location thereof, the proposed special assessment district, and estimates of the cost of the Project, to be prepared by Wolverine Engineers and Surveyors, Inc., Mason, Michigan;
- (3) the City Administrator, when the engineering plans and estimates for the Project are completed, is ordered to file same with the City Clerk, and said plans and estimates shall be made available for public inspection;
- (4) the City Administrator and/or Treasurer are hereby further authorized to proceed with all other necessary actions to initiate the Project;
- (5) All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

ROLL CALL VOTE:

Yes (0)

No (7) Bruno, Clark, Coady-Helbig, Johnson, Naeyaert, Preadmore, Whipple

RESOLUTION FAILED

MOTION by Bruno, second by Naeyaert,

To direct city staff to prepare cost estimates to improve Ingham Court to be a curbed alley and as an enhanced curbed alley.

Motion Approved Unanimously

Staff was requested to explore whether the alley should be constructed to street standards or alley standards.

**2005 Special Assessment Resolution 2, Project No. 2005-2**

Being that 2005 Special Assessment Resolution No. 2, Project No. 2005-1 failed, no action was taken on 2005 Special Assessment Resolution 2, Project No. 2005-2.

**Request – Waiver of Bid for SCBA Compressor**

Fire Chief Scutt requested that the bid process be waived to purchase the SCBA Compressor. It is being purchased primarily by a Fire Act Grant. There are a few vendors that are able to fulfill the requirements and it would save the newspaper publishing costs.

MOTION by Preadmore, second by Naeyaert,  
To allow the Fire Department to waive the formal bid process for the purchase of  
the SCBA Compressor.  
MOTION APPROVED UNANIMOUSLY

**Recommendation – Traffic Commission – Okemos Street**

Police Chief Stressman spoke to the Traffic Commission recommendation to line Okemos Street with center turn lanes at each intersection and to designate areas on the east side of the street for parking.

MOTION by Bruno, second by Preadmore,  
To approve the parking and street striping plan for Okemos Street that has been  
forwarded by the Traffic Commission.  
MOTION APPROVED UNANIMOUSLY

**UNFINISHED BUSINESS**

Naeyaert asked about downtown parking. Whipple stated that there will be two-hour parking downtown. Johnson asked about the Bailey Park permits that the city was holding while numerous issues were being considered. Colburn stated they were held for 8-9 days due to lack of performance, specifically, not turning in required documentation.

**NEW BUSINESS**

Johnson asked about the rental property next to 123 N. Jefferson that is in disrepair and unsafe. Colburn stated that Jim Howard, Planning and Zoning Director, executed a Dangerous Building Notice on Friday regarding the dangerous porch situation.

Naeyaert thanked the City Council for excusing her from the last meeting due to her husband's emergency heart surgery, as well as all their well wishes and those from the community.

**CORRESPONDENCE**

All correspondence was distributed.

**LIAISON REPORTS**

Johnson informed the Council regarding the October 13 Traffic Commission meeting,

Clark informed Council regarding the October 12 Planning Commission meeting.

Whipple informed Council regarding current DDA business.

**ADMINISTRATOR'S REPORT**

Colburn informed the Council on current city issues.

**PEOPLE FROM THE FLOOR**

None.

**EXECUTIVE SESSION**

MOTION by Clark, seconded by Preadmore

To adjourn to executive session to discuss the sale and acquisition of property

ROLL CALL VOTE:

Yes (7) Coady-Helbig, Johnson, Naeyaert, Preadmore, Bruno, Clark, Whipple

No (0)

MOTION APPROVED UNANIMOUSLY

MOTION by Clark, seconded by Coady-Helbig,

To adjourn to executive session to discuss the City Administrator's evaluation, per his request.

ROLL CALL VOTE:

Yes (7) Johnson, Naeyaert, Preadmore, Bruno, Clark, Coady-Helbig, Whipple

No (0)

MOTION APPROVED UNANIMOUSLY

Being there was no further business, the meeting adjourned at 9:53 p.m.

\_\_\_\_\_  
Martin A. Colburn, City Clerk

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Russell W. Whipple, Mayor