

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF APRIL 18, 2005**

Naeyaert called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Johnson led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady-Helbig, Johnson, Mulvany, Naeyaert, Whipple

Absent: Councilmembers: None

Also present: Martin Colburn, City Administrator  
Kathy Revels, City Finance Director/Treasurer  
John Stressman, Police Chief  
Jim Howard, Planning/Zoning Director  
Deborah Cwierniewicz, Deputy City Clerk

**APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: April 4, 2005**

The Regular Meeting Minutes of April 4, 2005 were approved as corrected.

MOTION by Whipple, second by Coady-Helbig,  
To amend the April 4, 2005 Minutes by striking *Mulvany* and inserting *Bruno* on page one, at the end of the first line under Resolution No. 2005-12.

**MOTION APPROVED UNANIMOUSLY**

MOTION by Whipple, second by Coady-Helbig,  
To amend the April 4, 2005 Minutes by striking *9:25 and* inserting *8:15* as the time of adjournment on page three.

**MOTION APPROVED UNANIMOUSLY**

MOTION by Coady-Helbig, second by Whipple,  
To amend the Agenda by adding Resolution No. 2005-21 as Item No. 7 (K-2), making Item No. 7(K) Resolution No. 2005-19, Item No. 7(K-1).

**MOTION APPROVED UNANIMOUSLY**

**APPROVAL OF BILLS**

MOTION by Bruno, second by Whipple,  
To approve the payment of bills in the amount of \$76,691.96 as submitted.

**MOTION APPROVED UNANIMOUSLY**

**PEOPLE FROM THE FLOOR**

Stressman introduced newly hired Officer, Steven Heyduck.

**REGULAR BUSINESS**

**Public Hearing – Property Maintenance Code/Ordinance**

Naeyaert opened the public hearing at 7:47 p.m.

Barbara Tornholm, Planning Commission Chairperson, of 703 Roosevelt Street stated that the Planning Commission's Master Plan has recommended a property maintenance Code or Ordinance. She spoke to the effect blight has on property value. She also provided statistics relating to rental properties and their relation to blight. She stated support for the development and adoption of such a code and provided her comments in writing.

Mike Klepinger of 367 E. South Street, and former Planning Commission member, showed a photo board of unkempt home exteriors from Mason properties. He stated that during his time on the Planning Commission he co-chaired the Land Use Sub-Committee. This committee had a random home exterior survey conducted by a local college student, which resulted in the appendix of the Master Plan.

Brian Vongunten of 107 N. Jefferson stated support for a property maintenance code. He had interest in a home in Mason and will not purchase it because of the blighted home across the street.

John Heckaman, Dangerous Building Hearing Officer, and former Planning Commission member, stated support for a property maintenance code. He suggested adopting the International Building Code which can be amended. He added that he would volunteer to participate should a committee be formed to research the development of a property maintenance code.

In response to Naeyaert, Mr. Heckaman replied that two hearings have been held in relation to the Dangerous Building Code in the past five years. Howard replied that he has invoked the process several times, which resulted in the two hearings.

Mary Garland Jackson of 117 E. Sycamore Street stated she would support a property maintenance code if it is enforceable.

Ellen Bassett of 367 W. South Street stated support for a property maintenance code. She added that as a resident and tax payer, she is concerned about the impact of deteriorating housing quality on Mason's property values. And, as a Professor of Urban Housing Planning at MSU, she informed the Council regarding research on neighborhood change, blight, and disinvestment relating to deteriorating housing stock and increased rental properties. Ms. Bassett also volunteered to participate with the development of such a code, as well as providing research articles. She provided her comments in writing.

Lawrence Martin of 511 S. Lansing Street stated that *he* has been a resident for about 30 years and has been in the landlord rental business for 34 years. He expressed concern that the existence of a rental property in a neighborhood connotes that it is a blight district and will deteriorate. He cautioned the Council regarding the adoption of an ordinance and the cost of universal enforcement, as well as overly stringent and unreasonable *standards* for property owners to maintain. He feels that there are current codes that sufficiently address blight. Mr. Martin also volunteered to serve on a committee to develop a property maintenance code.

Heidi Williams of 414 W. Sycamore Street stated that she works for the E. Lansing Police Department as a 9-1-1 Dispatcher. She feels that there is a lack of enforcement of the existing codes. She provided copies of various E. Lansing codes and stated that most of their enforcement officers are part time employees.

Tammy Boyic, Planning Commissioner and resident of 326 Center Street, stated support for a property maintenance code. She has rental units abutting her property that have caused blight issues. She served on the Quality of Life sub-committee of the Master Plan Committee which recommends this code. Many residents attended and spoke in support of such an ordinance.

Nancy Heubel 403 Lawton Street stated that she grew up in Lansing and has made Mason her home for the past seven years. In that time she feels there has been a decline in the appearance of the Mason. She stated concerned about human safety issues for blighted homes. She asked Council to take a stand or put a ballot question before the people.

Jim Maddox of 424 W. Columbia Street cautioned about implementing a code that is overly stringent and unreasonable for property owners to maintain.

Rex Hauser of 117 W. Sycamore Street stated support for a property maintenance code. He added that he has been in Real Estate for eleven years and a landlord in the city for five years. He addressed landlord responsibility, purposeful neglect, and the "personal vendetta" mentality that result in deteriorated properties. He feels that those offenders that continually and willfully run down properties should be put on notice and told that it will not be allowed or tolerated. Mason has hundreds of documented historical homes that have been maintained over the years.

Shirley Richards of 938 Eugenia Drive stated she was unaware that the city didn't have a property maintenance code and indicated support for one. She expressed concern that a new business owner had to close within the first month because the building she was renting was substandard.

Allison Taggert of 602 S. Jefferson stated support for a property maintenance code. She is a past-councilmember and a property maintenance code has been an ongoing concern.

Jan Bernath of 104 E. Oak Street stated support for a property maintenance code. She talked about the poor condition her home was in when she bought it and how she has restored it, and how once vacant buildings around her property are now developed and maintained. But other properties around her that were owner occupied homes, have become rentals with more than one residence, are not maintained and continue to deteriorate. She feels that her property value is at risk. Ms. Bernath submitted her comments in writing.

Mike Canteberry of 428 E. Cherry stated support for a property maintenance code. In addition to being a resident and tax payer, he stated that he is an Adjunct Professor in Urban Design, Landscape Architecture, and Urban Planning. He cited research that was sponsored by the United States Council of Mayors regarding the role of maintenance codes and their enforcement, and the effect that *they* can have in communities, especially those that are threatened by blight. He offered to participate with a committee to develop a property maintenance code, should one be formed.

Jennifer Ekstrom of 618 S. Jefferson stated support for a property maintenance code. She spoke to the uniqueness and friendliness of Mason and why she chose to move here from out of state, and added that if she had been house searching a few years later than she did, she would not have chosen Mason. She feels this is a special place that needs to be protected and preserved.

Phil Birdsall, DDA Executive Director, stated that the DDA will be carefully monitoring the progress of this discussion and any proposed legislation that might result from it. It is the DDA's purpose to prevent the deterioration of buildings and property values in the DDA District. Included in its recent boundary expansion, there are more than a hundred residential units within the DDA District. Mr. Birdsall offered to participate with a committee and would appreciate the opportunity to be involved in the process if Council determines the code is warranted.

Bonnie Brody of 223 E. Oak Street stated support for a property maintenance code as well as existing ordinances, if they are enforced.

Mary Lou Keenan of 220 E. Ash Street stated support for a property maintenance code. She works for the Michigan State Housing Development Authority. She also cautioned that enforcement is a must.

Letters of support for a property maintenance code were submitted from Albert and Joyce Schulien of 725 E. Ash Street, Nancy Wilson of 330 Willow Street, and Tom Cochran of 418 Coppersmith.

Naeyaert closed the public hearing at 8:47 p.m. Discussion was held regarding identifying and taking action when work is being done without a permit. Staff was requested to submit the reported "Code Violations Log" and subsequent action taken from the past few months. It was the consensus of the Council to direct staff to pursue enforcement of existing ordinances.

A brief recess was taken at 9:30 p.m. The meeting reconvened at 9:40 p.m.

MOTION by Clark, second by Whipple,  
To amend the agenda by moving Items 7 (O-R) to Item No. 7 (D2-D5), changing  
Item No. 7(D) to Item No. 7(D1).

MOTION APPROVED UNANIMOUSLY

### **Public Hearing – Special Assessment Resolution No. 5, Project No. 2005-3 and 2005-4**

Naeyaert opened the public hearing at 9:44 p.m.

Carl Woodard, representing the First Church of Nazarene, stated that the assessment is a fair compromise. He thanked the Mayor and Councilmember Whipple for keeping their word; they committed to help the church and homeowners and did. He thanked Colburn and City Engineer Potter for the time spent to inform them and work through the assessment and project plans.

Naeyaert closed the public hearing at 9:47 p.m.

### **Special Assessment Resolution No. 5, Project No. 2005-3 and 2005-4**

**Special Assessment Resolution No. 5, Project No. 2005-3 and 2005-4** was introduced by Bruno and seconded by Coady-Helbig. Bruno stated that he objects and is concerned about the large amount of debt this will create in the water and sewer fund.

**CITY OF MASON  
SPECIAL ASSESSMENT RESOLUTION NO. 5  
Project No. 2005-3 and 2005-4**

**NOTICE OF INTENT TO ISSUE  
SPECIAL ASSESSMENT IMPROVEMENT BONDS**

A regular meeting of the City Council of the City of Mason, Ingham County, Michigan (the "City"), was held in the City Council Chambers, 201 West Ash Street, Mason, Michigan, on Monday, the 18th day of April, 2005, at 7:30 o'clock, p.m.

The meeting was called to order at 7:30 o'clock, p.m. by Naeyaert

Present: Council Members - Bruno, Clark, Coady-Helbig, Johnson, Mulvany, Naeyaert, Whipple

Absent: Council Members - None

**WHEREAS**, the City Council has determined that it will be necessary to issue bonds of the City for the purpose of defraying a portion of the cost of certain street, water supply system and sanitary sewer system improvements, including, but not limited to: (1) the installation and construction of the South Temple Street extension, including street, sidewalk, curb and gutter, street lighting, storm drain and water main improvements, seeding, fertilizing and mulching in the public right-of-way of the following properties: Parcel numbers 33-19-10-09-400-001, 33-19-10-09-400-004, and 33-19-10-09-400-005; and (2) the installation and construction of a sanitary sewer district with the common elements of a pump station and force main which service the following properties: Parcel number 33-19-10-09-400-004, 33-19-10-09-400-005, 33-19-10-09-500-001, 33-19-10-10-100-024, 33-19-10-10-100-025, 33-19-10-10-200-015, 33-19-10-10-200-016, 33-19-10-10-301-006, 33-19-10-10-351-001, and 33-19-10-10-351-004; as well as the acquisition and installation of related equipment, improvements and appurtenances (the "Projects") in the City; and

**WHEREAS**, the cost of the Projects is estimated at One Million Seven Hundred Sixty-One Thousand Five Hundred Seventy Two Dollars and Twelve Cents (\$1,761,572.12), including all costs of construction, engineering contingencies, legal and financing costs, and other costs related to the Projects and the issuance of bonds therefore; and

**WHEREAS**, the sum of not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000) is required to be financed by the issuance of special assessment bonds (the "Bonds") for the Projects; and

**WHEREAS**, Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended (the "Act"), requires the publication of a notice of intent to issue the bonds necessary to produce the monies required to finance a portion of the cost of the Projects; and

**WHEREAS**, the City Council now desires to authorize and approve the required Notice of Intent to Issue the Bonds, and the publication thereof; and

**WHEREAS**, the City may wish to reimburse certain expenditures made or to be made from General Fund, Water and Sewer Fund, or other fund(s) of the City in advance of issuance of the Bonds.

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

1. The City Clerk and/or Finance Director/Treasurer, or a designee thereof, shall cause the following notice to be published in the *Community News*, Mason, Michigan, a newspaper of general circulation within the City of Mason, as a display ad of at least 1/4 page in size:

**NOTICE OF INTENT TO ISSUE SPECIAL ASSESSMENT IMPROVEMENT BONDS  
TO THE TAXPAYERS AND ELECTORS OF THE CITY OF MASON  
AND NOTICE OF RIGHT OF REFERENDUM**

**TAKE NOTICE THAT** the City Council of the City of Mason, Ingham County, Michigan, intends to authorize the issuance pursuant to Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended, of NOT TO EXCEED Seven Hundred Fifty Thousand Dollars (\$750,000) City of Mason Special Assessment Improvement Bonds, Series 2005 (the "Bonds"), for the purpose of defraying a portion of the cost of certain street, water supply system and sanitary sewer system improvements, including, but not limited to: (1) the installation and construction of the South Temple Street extension, including street, sidewalk, curb and gutter, street lighting, storm drain and water main improvements, seeding, fertilizing and mulching in the public right-of-way of the following properties: Parcel numbers 33-19-10-09-400-001, 33-19-10-09-400-004 and 33-19-10-09-400-005; and (2) the installation and construction of a sanitary sewer district with the common elements of a pump station and force main which service the following properties: Parcel number 33-19-10-09-400-004, 33-19-10-09-400-005, 33-19-10-09-500-001, 33-19-10-10-100-024, 33-19-10-10-100-025, 33-19-10-10-200-015, 33-19-10-10-200-016, 33-19-10-10-301-006, 33-19-10-10-351-001, and 33-19-10-10-351-004; as well as the acquisition and installation of related equipment, improvements and appurtenances. The Bonds will be payable primarily from special assessment revenues and will be payable in not more than fifteen (15) annual installments at a rate of interest to be determined upon sale of the Bonds not to exceed seven percent (7.0%), payable on the unpaid principal balance from time to time remaining outstanding on the Bonds. The Bonds may be issued in one or more series.

The total cost of the street, water supply system, and sanitary sewer system improvements is estimated to be One Million Seven Hundred Sixty-One Thousand Five Hundred Seventy Two Dollars and Twelve Cents (\$1,761,572.12), a portion of which cost is to be paid from the issuance of the Bonds.

**SOURCE OF PAYMENT OF THE BONDS**

**THE PRINCIPAL OF AND INTEREST ON THE BONDS** will be payable primarily from the anticipated collection of special assessments levied against benefiting real property in the South Temple Street Extension Special Assessment District 2005-3 and the Rayner Creek Sanitary Special Assessment District 2005-4.

**ADDITIONAL SECURITY - FULL FAITH AND CREDIT**

The City will also pledge its full faith and credit for the repayment of the Bonds. The City would be authorized within its constitutional, statutory, and charter tax rate limitations to levy such taxes or advance such funds from the general funds of the City as might be necessary to prevent or cure any default in the repayment of the Bonds resulting from an insufficiency of revenue derived from the collection of special assessments levied against benefiting real property. Although it is not anticipated that the City will ever be required to advance such funds, the City would, in the event of an advance, be entitled to be repaid from the next special assessment revenues available after correction of any default.

**NOTICE OF RIGHT OF REFERENDUM**

THIS NOTICE is given pursuant to the requirements of Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended. If within forty-five (45) days from the publication of this NOTICE OF INTENT to issue Bonds a PETITION signed by not less than TEN PERCENT (10%) OF THE REGISTERED ELECTORS residing within the limits of the City of Mason shall have been filed with the City Clerk requesting a REFERENDUM on the question of the issuance of the Bonds, then the same shall not be issued until approved by the vote of the majority of the electors of the City qualified to vote and voting thereon at a general or special election. The current number of registered electors in the City is 5431.

Further information regarding the street, water supply system, and sanitary sewer system improvements is available at the City Clerk's offices, 201 West Ash Street, Mason, Michigan 48854.

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Martin A. Colburn, City Clerk  
City of Mason,  
Ingham County, Michigan

2. The foregoing notice and method of publication thereof are hereby determined to be adequate to notify the residents of the City of their referendum rights and of the nature of the debt obligations proposed to be issued, pursuant to Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended, and/or the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended.

3. Pursuant to the provisions of the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended, the City Council hereby resolves to, if necessary, submit to the Michigan Department of Treasury a municipal finance qualifying statement prior to the issuance of the Bonds, or such other application as may be required by the Michigan Department of Treasury, if necessary, and the City Administrator or Finance Director/Treasurer, or a designee thereof, is hereby authorized to sign the same and to pay any fees associated therewith.

4. To the extent advances to pay project costs have been or are required to be made from the City's General Fund, Water and Sewer Fund, or other fund(s), the City shall reimburse the General Fund, Water and Sewer Fund, or other fund(s) not earlier than the date on which the expenses are paid and not later than the latter of:

- (a) the date that is eighteen (18) months after the expenses are paid, or
- (b) the date the project is placed in service or abandoned, but in no event, more than three (3) years after the expenses are paid.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

VOTE: Yes (6) Clark, Coady-Helbig, Johnson, Mulvany, Naeyaert, Whipple  
No (1) Bruno  
Absent (0)

RESOLUTION APPROVED

### **Request – Proposal for Farmers' Market**

County Commissioner Don Vickers, Carol Sawyer, DDA Director Phil Birdsall, and MACC Director Joe Watkins were present to request the closure of Barnes Street along the southbound lane, immediately east of the County Courthouse on Saturdays, 6:00 a.m. – 1:00 p.m. throughout mid-July to early October. Commissioner Vickers stated that the Mason Farmers Market Association, Inc. is a non-profit organization. Fees collected for a spot at the market are used for insurance, advertising, port-a-johns, etc. Location options were discussed. Earl Threadgold, Manager of the Meridian Farmers Markets for 16 years, spoke about the administration of Farmers Markets.

Mike Buckner, First United Methodist Church (FUMC) Trustee, representing FUMC, spoke to several concerns including safety (especially for children visiting the market), what would be done for running water, who would be responsible for clean-up, and parking. The church is aware that their parking lot is used by the community. They currently have eight weddings scheduled for this summer. Barnes Street is often used for the wedding motorcade, which would be across from the proposed market. Bride and Groom photos are often taken on the

Court House lawn. The Bridal party would have to walk through/around the market. The church could not support this location, although they do support a market. Discussion ensued.

MOTION by Bruno, second by Whipple,

To allow the request to close Barnes Street between Ash and Maple Street for the Mason Farmers Market Association, Inc. to hold a Farmers Market on Saturdays, mid-July through early October, 6:00 a.m. – 1:00 p.m. as well as waive the permit fee.

VOTE: Yes (2) Bruno, Mulvany

No (5) Clark, Coady-Helbig, Johnson, Naeyaert, Whipple

MOTION FAILED

Whipple suggested holding the market on Maple Street, the width of the Hillard Building to allow vehicular traffic for parking on either side. Mr. Watkins strongly supported the use of Maple Street for the market location. In response to Council, Stressman stated safety concerns regarding a market in the street. It was discussed that the Council may revoke permission at any time it is determined a safety hazard.

MOTION by Whipple, second by Bruno,

To allow the Mason Farmers Market Association, Inc.'s request to close Maple Street for the approximate width of the Hillard Building to hold a Farmers Market on Saturdays, mid-July through early October, 6:00 a.m. – 1:00 p.m. Further, the permit fee is waived, city requirements are to be met and observed, and acknowledgement that the market is under weekly review and permission may be revoked at any time.

VOTE: Yes (5) Bruno, Coady-Helbig, Johnson, Naeyaert, Whipple

No (2) Clark, Mulvany

MOTION APPROVED

### **Request – Riverwalk – Extension of Approval for Preliminary Plat**

Discussion was held to put a time limit on the extension request for approval for preliminary plat.

MOTION by Coady-Helbig, second by Whipple,

To approve T.A. Forsberg, Inc.'s request for a one year extension to the preliminary plat for Riverwalk Meadows.

VOTE: Yes (2) Bruno, Mulvany

No (5) Clark, Coady-Helbig, Johnson, Naeyaert, Whipple

MOTION FAILED

MOTION by Whipple, second by Clark

To approve T.A. Forsberg, Inc.'s request for an extension of the preliminary plat for Riverwalk Meadows for six-months.

MOTION APPROVED UNANIMOUSLY

**Arbor Day Proclamation**

At its April 11, 2005 meeting, the Tree Commission selected Sue Parsons as the Mason Arbor Day Honoree for 2005. This year's celebration will be held April 29 at 12:00 p.m. Mrs. Parsons has selected a Blue Spruce to be planted at the Mason Historical Museum adjacent to Oak Street. As part of the Arbor Day Celebration, Mayor Naeyaert will present Mrs. Parsons with a proclamation.

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 fourteenth year Mason has received this national recognition.

**Request – Parade Permit**

Mr. Doug Williams, Parade Chairperson, and the Parade Committee requested a parade permit for Wednesday, April 20, 2005, honoring Kristin Haynie and Lindsay Bowen as members of the Michigan State University Women's Basketball Team and their accomplishments in the recent NCAA Finals. Kristin Haynie, a Mason resident, has been selected in the draft of the Women's National Basketball Association. The parade commences at 6:30 p.m. at the Mason High School parking lot ending at the Court House square for a presentation ceremony.

MOTION by Johnson, second by Whipple

To approve the Haynie/Bowen Parade Committee request for a parade permit for Wednesday, April 20, 2005.

MOTION APPROVED UNANIMOUSLY

**Resolution No. 2005-13 – A Resolution to Propose an Amendment to Sections 3.4 and 3.6 of the charter of the City of Mason**

MOTION by Johnson, second by Bruno,

To introduce Resolution Nos. 2005-13, 14, 15, 16, 17, 18, 19, and 21

MOTION APPROVED UNANIMOUSLY

MOTION by Johnson, second by Clark,

To divide the question to consider Resolution No. 2005-16 separately.

Yes (6) Bruno, Clark, Coady-Helbig, Johnson, Mulvany, Naeyaert,

No (1) Whipple

MOTION APPROVED

VOTE ON THE MOTION:

To adopt Resolution No. 2005-13, 14, 15, 17, 18, 19, and 21

MOTION APPROVED UNANIMOUSLY

VOTE ON THE MOTION:

To adopt Resolution No. 2005-16.

ROLL CALL VOTE: Yes (4) Bruno, Coady-Helbig, Whipple, Naeyaert

No (3) Clark, Johnson, Mulvany  
MOTION APPROVED

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2005-13**

**A RESOLUTION TO PROPOSE AN AMENDMENT TO SECTIONS 3.4 AND 3.6 OF THE  
CHARTER OF THE CITY OF MASON.**

April 18, 2005

**WHEREAS**, the City of Mason is organized and operated as a Home Rule City pursuant to the Charter of the City of Mason adopted June 26, 1951 under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq.*; and

**WHEREAS**, Sections 3.4 and 3.6 of Chapter 3 (Elections) of said Charter presently read as follows:

**Sec. 3.4. Election date.**

A regular city election shall be held on the first Monday in April, 1952, and of each year thereafter.

**Sec. 3.6. Non-partisan election.**

A non-partisan city primary election shall be held on the date prescribed by State Law for the holding of general spring primary elections.

If upon the expiration of the time for filing nomination petitions for any elective city office, petitions have been filed for no more than twice the number of candidates for such office to be elected at the next city election, then no primary election shall be held in respect to such office and the Clerk shall publish notice of this fact. Candidates, in number to twice the number of persons to be elected to each city office at such election who receive the highest number of votes at any such primary election shall be declared the nominees for election to the respective offices for which they are candidates. The names of such nominees, together with the names of persons for whom petitions have been filed for offices with respect to which no primary election was held, and the names of persons who have been selected as nominees under the provisions of Section 3.13 hereafter, shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular city election.

and

**WHEREAS**, the Mason City Council believes that it would promote fair, equitable, efficient, and good government to place an amendment of the Charter before the qualified electors of the city of Mason to amend Sections 3.4 and 3.6 of Chapter 3 to establish that city general and primary elections shall be non-partisan and establish that city general and primary elections shall be held on dates consistent with state law.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with 1909 PA 279, as amended, MCL 117.21, the Mason City Council hereby proposes that said Sections 3.4 and 3.6 of Chapter 3 of the Mason City Charter be amended to read as follows:

**Sec. 3.4. General election.**

A non-partisan city general election shall be held on the even year general November election date prescribed by state law.

**Sec. 3.6. Primary election.**

A non-partisan city primary election shall be held on the even year August primary election date prescribed by State.

If upon the expiration of the time for filing nomination petitions for any elective city office, petitions have been filed for no more than twice the number of candidates for such office to be elected at the next city election, then no primary election shall be held in respect to such office and the Clerk shall publish notice of this fact. Candidates, in number to twice the number of persons to be elected to each city office at such election who receive the highest number of votes at any such primary election shall be declared the nominees for election to the respective offices for which they are candidates. The names of such nominees, together with the names of persons for whom petitions have been filed for offices with respect to which no primary election was held, and the names of persons who have been selected as nominees under the provisions of Section 3.13 hereafter, shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular city election.

**BE IT FURTHER RESOLVED**, that the aforesaid proposition to amend Sections 3.4 and 3.6 of Chapter 3 of the Charter shall be submitted to the electors of the City of Mason at a special election to be held in the city on August 2, 2005.

BALLOT QUESTION

Shall Sections 3.4 and 3.6 of the City Charter be amended to provide that the non-partisan city general and primary elections shall be held on the even year election dates consistent with state law?

YES \_\_\_\_\_  
 NO \_\_\_\_\_

STATEMENT OF PURPOSE

This amendment clarifies that both city general and primary non-partisan elections shall be held on the even year election dates consistent with state law.

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.  
RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2005-14 - A Resolution to Propose an Amendment to Section 3.15 of the Charter of the City Of Mason**

**CITY OF MASON  
 CITY COUNCIL RESOLUTION NO. 2005-14**

**A RESOLUTION TO PROPOSE AN AMENDMENT TO  
 SECTION 3.15 OF THE CHARTER OF THE CITY OF MASON.**

April 18, 2005

**WHEREAS**, the City of Mason is organized and operated as a Home Rule City pursuant to the Charter of the City of Mason adopted June 26, 1951 under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq.*; and

**WHEREAS**, Section 3.15 of Chapter 3 (Elections) of said Charter presently reads as follows:

**Sec. 3.15. Election commission.**

An Election Commission is hereby created, consisting of the Clerk, the Attorney, and one member of the Council who shall not be a candidate for elective office at the election for which he serves as a member of the Election Commission. Such member shall be designated by the Council during the month of January in each year. The members shall serve without compensation. The Clerk shall be chairman and two members of such board shall be a quorum. The Commission shall appoint the Board of Election Inspectors for each precinct, and shall have charge of all activities and duties required of it by statute and this Charter relating to the conduct of election in the City. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

and

**WHEREAS**, the Mason City Council believes that it would promote fair, equitable, efficient, and good government to place an amendment of the Charter before the qualified electors of the city of Mason to amend Section 3.15 of Chapter 3 to remove the requirement that the member appointed to the Election Commission by Council be designated in January of each year and to remove the requirement that members of the election commission shall serve without compensation.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with 1909 PA 279, as amended, MCL 117.21, the Mason City Council hereby proposes that said Section 3.15 of Chapter 3 of the Mason City Charter be amended to read as follows:

**Sec. 3.15. Election commission.**

An Election Commission is hereby created, consisting of the Clerk, the Attorney, and one member of the Council who shall not be a candidate for elective office at the election for which he serves as a member of the Election Commission. Such member shall be designated by the Council each year. The Clerk shall be chairman and two members of such board shall be a quorum. The Commission shall appoint the Board of Election Inspectors for each precinct, and shall have charge of all activities and duties required of it by statute and this Charter relating to the conduct of elections in the City. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

**BE IT FURTHER RESOLVED**, that the aforesaid proposition to amend Section 3.15 of Chapter 3 of the Charter shall be submitted to the electors of the City of Mason at a special election to be held in the city on August 2, 2005.

**BALLOT QUESTION**

Shall Section 3.15 of the City Charter be amended to remove the requirement that the council member to be appointed to the election commission be designated in January of each year and to remove the requirement that members of the election commission shall serve without compensation?

YES \_\_\_\_\_

NO \_\_\_\_\_

**STATEMENT OF PURPOSE**

This amendment will allow the designation of a council member to serve as a member of the election commission to be made in any month of the year and allow for compensation of members of the election commission.

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.

RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2005-15 - A Resolution to Propose an Amendment to Section 4.3 and Section 5.6 of the Charter of the City Of Mason**

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2005-15**

**A RESOLUTION TO PROPOSE AN AMENDMENT TO SECTION 4.3 AND SECTION  
5.6 OF THE CHARTER OF THE CITY OF MASON.**

April 18, 2005

**WHEREAS**, the City of Mason is organized and operated as a Home Rule City pursuant to the Charter of the City of Mason adopted June 26, 1951 under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq.*; and

**WHEREAS**, Section 4.3 of Chapter 4 (Organization of Government) and Section 5.6 of Chapter 5 (General Provisions Regarding Officers and Personnel of the City) of said Charter presently read as follows:

**Sec. 4.3. Compensation of councilmen.**

For his services as a member of the Council the compensation of each Councilman, except the Mayor, shall be \$5.00 for each regular and special meeting attended, but not to exceed \$120.00 per year. The Mayor shall receive the sum of \$7.50 for each regular and special meeting attended, but not to exceed \$180.00 per year. In the absence of the Mayor, the Mayor Pro Tem, or the Councilman acting as Mayor, shall receive the sum of \$2.50 per meeting in addition to all other compensation provided for him under this section. No expenses shall be allowed the Mayor and Councilmen except their necessary bonafide expenses incurred in the services of the City outside of the City, when so ordered by the affirmative vote of four members of the Council. No compensation shall be granted the Mayor or Councilmen for their services on council committees or other official meetings.

**Sec. 5.6. Change in term of office or compensation.**

Except by procedures provided in this Charter, the terms of office of the elective officers and of members of boards and commissions appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected or appointed, except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after his service has been rendered.

The compensation of any elective officer shall not be increased or decreased from the time of his election until the end of the term of office for which he was elected.

and

**WHEREAS**, the Mason City Council believes that it would promote fair, equitable, efficient, and good government to place an amendment of the Charter before the qualified electors of the city of Mason to amend Section 4.3 of Chapter 4 and Section 5.6 of Chapter 5 to remove specific compensation amounts for council members, to designate that the Local Officers Compensation Commission shall determine salaries for council members, to specify that the Mayor Pro Tem or council member acting as Mayor be compensated as established for the Mayor, and to remove the restriction with respect to changing council member salaries during their term of office.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with 1909 PA 279, as amended, MCL 117.21, the Mason City Council hereby proposes that said Section 4.3 of Chapter 4 and Section 5.6 of Chapter 5 of the Mason City Charter be amended to read as follows:

**Sec. 4.3. Compensation of councilmen.**

For his services as a member of the Council the compensation of each Councilman shall be determined by the Local Officers Compensation Commission as established by ordinance of the Council. In the absence of the Mayor, the Mayor Pro Tem or the Councilman acting as Mayor shall receive compensation equal to that established for the Mayor. No expenses shall be allowed the Mayor and Councilmen except their necessary bonafide expenses incurred in the services of the City outside of the City, when so ordered by the affirmative vote of four members of the Council. No compensation shall be granted the Mayor or Councilmen for their services on council committees or other official meetings.

**Sec. 5.6. Change in term of office or compensation.**

Except by procedures provided in this Charter, the terms of office of the elective officers and of members of boards and commissions appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected or appointed, except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after his service has been rendered.

**BE IT FURTHER RESOLVED**, that the aforesaid proposition to amend Section 4.3 of Chapter 4 and Section 5.6 of Chapter 5 of the Charter shall be submitted to the electors of the City of Mason at a special election to be held in the city on August 2, 2005.

**BALLOT QUESTION**

Shall Sections 4.3 and 5.6 of the City Charter be amended to remove specific compensation for council members, to designate the Local Officers Compensation Commission to determine salaries for council members, to specify that the Mayor Pro Tem or council member acting as Mayor be compensated as established for the Mayor, and to allow the Local Officers Compensation Commission to change the salaries of the Mayor and council members during their term of office?

YES \_\_\_\_\_

NO \_\_\_\_\_

**STATEMENT OF PURPOSE**

This amendment will allow the Local Officers Compensation Commission to establish the salaries of the Mayor and council members during their terms consistent with state law.

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.

RESOLUTION APPROVED UNANIMOUSLY

## **Resolution No. 2005-16 – A Resolution to Propose an Amendment to Section 4.4 of the Charter of the City Of Mason**

### **CITY OF MASON CITY COUNCIL RESOLUTION NO. 2005-16**

#### **A RESOLUTION TO PROPOSE AN AMENDMENT TO SECTION 4.4 OF THE CHARTER OF THE CITY OF MASON.**

April 18, 2005

**WHEREAS**, the City of Mason is organized and operated as a Home Rule City pursuant to the Charter of the City of Mason adopted June 26, 1951 under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq.*; and

**WHEREAS**, Section 4.4 of Chapter 4 (Organization of Government) of said Charter presently reads as follows:

#### **Sec. 4.4. Election of mayor; mayor pro tem.**

The Council shall, at its first meeting in January of each year, elect one of its members to serve as Mayor and one to serve as Mayor Pro Tem, both for a term expiring at the first Council Meeting in January of the following year. In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability.

and

**WHEREAS**, the Mason City Council believes that it would promote fair, equitable, efficient, and good government to place an amendment of the Charter before the qualified electors of the city of Mason to amend Section 4.4 of Chapter 4 to change the term for Mayor and Mayor Pro Tem from one year to two years.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with 1909 PA 279, as amended, MCL 117.21, the Mason City Council hereby proposes that said Section 4.4 of Chapter 4 of the Mason City Charter be amended to read as follows:

#### **Sec. 4.4. Election of mayor; mayor pro tem.**

The Council shall, at its first meeting in January of 2007 and of each odd year thereafter, elect one of its members to serve as Mayor and one to serve as Mayor Pro Tem, both for a term expiring at the first Council Meeting in January of the following odd year. In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability.

**BE IT FURTHER RESOLVED**, that the aforesaid proposition to amend Section 4.4 of Chapter 4 of the Charter shall be submitted to the electors of the City of Mason at a special election to be held in the city on August 2, 2005.

BALLOT QUESTION

Shall Section 4.4 of the City Charter be amended to require election of the Mayor and Mayor Pro Tem by the Council for two-year terms at the first Council meeting in January of each odd year starting in 2007?

YES \_\_\_\_\_

NO \_\_\_\_\_

STATEMENT OF PURPOSE

This amendment will increase the term for Mayor and Mayor Pro Tem from one year to two years. The election of Mayor and Mayor Pro Tem by the Council will occur at the first Council meeting in January of each odd year starting in 2007. This election date will coincide with the swearing in of Council members.

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.

VOTE ON ADOPTION:

YES: (4) Bruno, Coady-Helbig, Whipple, Naeyaert

NO: (3) Clark, Johnson, Mulvany

RESOLUTION APPROVED

**Resolution No. 2005-17 – A Resolution to Propose an Amendment to Section 8.4 of the Charter of the City of Mason**

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2005-17**

**A RESOLUTION TO PROPOSE AN AMENDMENT TO SECTION 8.4 OF THE  
CHARTER OF THE CITY OF MASON.**

April 18, 2005

**WHEREAS**, the City of Mason is organized and operated as a Home Rule City pursuant to its Charter of the City of Mason adopted June 26, 1951, under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq.*; and

**WHEREAS**, Section 8.4 of Chapter 8 (General Finance Purchasing) of said Charter was amended by an amendment proposed by City Council Resolution No. 95-16 and approved by the voters at a special election held on August 15, 1995, and was further amended by an amendment proposed by City Council Resolution No. 2003-35 and approved by the voters at a special election held on August 5, 2003, which section of the Charter presently reads as follows:

**Sec. 8.4. Adoption of budget.**

Not later than the third Monday in May, the Council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution, make an appropriation of the money needed for municipal purposes for the next fiscal year of the City and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, which levy shall not exceed two per cent of the assessed valuation of all real and personal property in the City.

The budget resolution shall include a minimum appropriation of money for the street construction program equal to 1/2 of one percent of the taxable valuation of all non-exempt real and personal property in the City.

and

**WHEREAS**, the City Council declared through Resolution No. 95-16, adopted May 1, 1995, that the capital maintenance and improvement program for local and major streets in the City should be supported at a level adequate to maintain and improve the city streets to current standards in order to protect and promote the health, safety, and welfare of city residents, to preserve property values in the City, and to promote the social and economic well-being of residents, landowners, and the community as a whole; and

**WHEREAS**, the City Council proposed an amendment to Section 8.4 of the Charter to achieve this goal and said amendment was approved by the voters at a special election held on August 15, 1995, to require that the City Council thereafter annually budget and appropriate at minimum an amount equivalent to five mills based upon the assessed value of all real and personal property of the City for the street capital maintenance and improvement program for local and major streets in the City; and

**WHEREAS**, the City Council proposed an amendment to Section 8.4 of the Charter through Resolution 2003-35, adopted May 19, 2003, to substitute taxable value as the basis for determining the minimum appropriation for the street capital maintenance and improvement program to reflect that taxes are now based upon taxable value, not assessed value, and said amendment was approved by the voters at a special election held on August 5, 2003; and

**WHEREAS**, the current language of Section 8.4 of the Charter, which mandates a minimum annual appropriation from all sources equivalent to five mills based upon taxable value, can result in revenue dedicated to the street capital maintenance and improvement program disproportionate to the needs in a particular year and does not allow sufficient budgeting flexibility to respond to extenuating circumstances; and

**WHEREAS**, the Mason City Council believes that it would promote fair, equitable, efficient, and good government to place an amendment of the Charter before the qualified electors of the city of Mason to amend Section 8.4 of Chapter 8 to reduce the minimum required appropriation from all sources in the annual budget for the street capital maintenance and improvement program from an amount equivalent to 1/2 of one percent (five mills) to an amount equivalent to 2/5 of one percent (four mills) of the taxable valuation of all non-exempt real and personal property in the City and to allow the City Council to waive the minimum appropriation when requested by the City Administrator and approved by a 5/7 vote of the City Council with such waiver allowed in no more than two of any five consecutive years.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with 1909 PA 279, as amended, MCL 117.21, the Mason City Council hereby proposes that Section 8.4 of Chapter 8 of the Mason City Charter be amended to read as follows:

**Sec. 8.4. Adoption of budget.**

Not later than the third Monday in May, the Council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution, make an appropriation of the money needed for municipal purposes for the next fiscal year of the City and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, which levy shall not exceed two per cent of the assessed valuation of all real and personal property in the City.

The budget resolution shall include a minimum appropriation of money for the street construction program equal to 2/5 of one percent of the taxable valuation of all non-exempt real and personal property in the City. If recommended by the City Administrator and approved by a 5/7 vote of the Council, the Council may appropriate less money for the street construction program than the minimum required by this section for no more than two of any five consecutive fiscal years.

**BE IT FURTHER RESOLVED**, that the aforesaid proposition to amend Section 8.4 of Chapter 8 of the Charter shall be submitted to the electors of the City of Mason at a special election to be held in the city on August 2, 2005.

BALLOT QUESTION

Shall Section 8.4 of the City Charter be amended to reduce the minimum annual appropriation for street construction programs to an amount equivalent to four mills on the taxable value of all non-exempt real and personal property and to allow the Council to waive the minimum appropriation requirement under specific circumstances?

YES \_\_\_\_\_

NO \_\_\_\_\_

STATEMENT OF PURPOSE

This amendment will reduce the minimum required appropriation for street capital maintenance and improvement programs from five mills to four mills and allow the council to waive the minimum requirement under specific circumstances.

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.  
RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2005-18 – A Resolution to Propose an Amendment to 11.3 of the Charter of the City of Mason**

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2005-18**

**A RESOLUTION TO PROPOSE AN AMENDMENT TO SECTION 11.3 OF THE  
CHARTER OF THE CITY OF MASON.**

April 18, 2005

**WHEREAS**, the City of Mason is organized and operated as a Home Rule City pursuant to the Charter of the City of Mason adopted June 26, 1951 under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq.*; and

**WHEREAS**, Section 11.3 of Chapter 11 (Special Assessments) of said Charter presently reads as follows:

**Sec. 11.3. Special assessment powers.**

The Council shall, in the exercise of its powers of special assessment, have power to provide for the following, but this list shall not be exclusive:

- (1) For the construction of public parking facilities as a public improvement financed, in whole or in part, by the special assessment method;
- (2) For installing a boulevard lighting system on any street as a public improvement to be financed, in whole or in part, by special assessment upon the lands abutting thereupon: Provided, That, before any such improvement may be made, the property owners of a majority of the frontage of such street or part thereof to be so improved shall petition therefor;
- (3) For the payment of special assessments in annual installments, not to exceed ten in number, the first such installment to be due, either upon confirmation of the special assessment roll, or on the following July 1, and subsequent installments to be due on July 1 of succeeding years;
- (4) Each installment, which shall be due on July 1 of any year, shall be placed upon the annual city tax roll, and in the case of deferred installments, an interest charge shall be added thereto at a rate to be determined by the Council, which rate shall not exceed the greater of six per cent per year or the interest rate on any special assessment bonds sold for such improvement plus one percent (1%). Any person shall have the right to make advance payment of such installment with interest only to the date of payment;
- (5) For making additional pro rata assessments when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incident thereto: Provided, That the additional pro rata assessment shall not exceed twenty-five per cent of the assessment, as originally confirmed, unless a meeting of the Council be held to review such additional assessment. Notice of any such meeting shall be published as provided in the case of review of the original special assessment roll.

and

**WHEREAS**, the Mason City Council believes that it would promote fair, equitable, efficient, and good government to place an amendment of the Charter before the qualified electors of the city of Mason to amend Section 11.3 of Chapter 11 to increase the maximum allowed number of special assessment payments from ten to twenty.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with 1909 PA 279, as amended, MCL 117.21, the Mason City Council hereby proposes that said Section 11.3 of Chapter 11 of the Mason City Charter be amended to read as follows:

**Sec. 11.3. Special assessment powers.**

The Council shall, in the exercise of its powers of special assessment, have power to provide for the following, but this list shall not be exclusive:

- (1) For the construction of public parking facilities as a public improvement financed, in whole or in part, by the special assessment method;
- (2) For installing a boulevard lighting system on any street as a public improvement to be financed, in whole or in part, by special assessment upon the lands abutting thereupon: Provided, That, before any such improvement may be made, the property owners of a majority of the frontage of such street or part thereof to be so improved shall petition therefor;
- (3) For the payment of special assessments in annual installments, not to exceed twenty in number, the first such installment to be due, either upon confirmation of the special assessment roll, or on the following July 1, and subsequent installments to be due on July 1 of succeeding years;
- (4) Each installment, which shall be due on July 1 of any year, shall be placed upon the annual city tax roll, and in the case of deferred installments, an interest charge shall be added thereto at a rate to be determined by the Council, which rate shall not exceed the greater of

six per cent per year or the interest rate on any special assessment bonds sold for such improvement plus one percent (1%). Any person shall have the right to make advance payment of such installment with interest only to the date of payment;

(5) For making additional pro rata assessments when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incident thereto: Provided, That the additional pro rata assessment shall not exceed twenty-five per cent of the assessment, as originally confirmed, unless a meeting of the Council be held to review such additional assessment. Notice of any such meeting shall be published as provided in the case of review of the original special assessment roll.

**BE IT FURTHER RESOLVED**, that the aforesaid proposition to amend Section 11.3 of Chapter 11 of the Charter shall be submitted to the electors of the City of Mason at a special election to be held in the city on August 2, 2005.

BALLOT QUESTION

Shall Section 11.3 of the City Charter be amended to increase the maximum allowed number of annual special assessment payments from ten to twenty?

YES \_\_\_\_\_

NO \_\_\_\_\_

STATEMENT OF PURPOSE

This amendment will increase from ten to twenty the maximum number of years the City Council may allow property owners to pay for special assessments.

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.  
RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2005-19 – A Resolution To Propose An Amendment to Sections 4.6, 5.2, 5.3, 6.7, 8.2 And 8.8, And By Adding A New Section 4.7 And Revising The Section Numbers Of Existing Sections 4.7, 4.8, 4.9, 4.10, 4.11, 4.12 And 4.13 of the Charter of the City of Mason**

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2005-19**

**A RESOLUTION TO PROPOSE AN AMENDMENT TO THE CHARTER OF THE CITY OF MASON BY AMENDING SECTIONS 4.6, 5.2, 5.3, 6.7, 8.2 AND 8.8, AND BY ADDING A NEW SECTION 4.7 AND REVISING THE SECTION NUMBERS OF EXISTING SECTIONS 4.7, 4.8, 4.9, 4.10, 4.11, 4.12 AND 4.13.**

April 18, 2005

**WHEREAS**, the City of Mason is organized and operated as a Home Rule City pursuant to the Charter of the City of Mason adopted June 26, 1951 under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq.*; and

**WHEREAS**, Section 4.6 of Chapter 4 (Organization of Government), Sections 5.2 and 5.3 of Chapter 5 (General Provisions Regarding Officers and Personnel of the City), Section 6.7 of Chapter 6 (The Council), and Sections 8.2 and 8.8 of Chapter 8 (General Finance Purchasing) of said Charter presently read as follows:

**Sec. 4.6. Administrative service.**

The administrative officers of the City shall be the Clerk, Treasurer, Assessor, Attorney, Chief of Police, Fire Chief, and Superintendent of Public Works, and, if the Council deems necessary, a City Administrator, Health Officer, City Engineer, and Building Inspector. The Council may, by ordinance, create additional administrative offices and may, by resolution, combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the City. Except as hereinafter provided, all administrative officers of the City shall be appointed by the Council for an indefinite period, shall serve at the pleasure of the Council, and shall have their compensation fixed by the Council.

Except as may be otherwise provided by statute or this Charter, the Council shall establish, by ordinance, such departments of the City as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities, and responsibilities of the officers of each department.

All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by, or under the authority of, this Section shall be deemed to be employees of the City. The head of each department shall have the power to hire and discharge the employees of such department without confirmation by the Council.

The Council may, by ordinance passed by a 5/7 vote, create the office of the City Administrator and specify the duties, authorities, and responsibilities of such office. In the event such office is created, the Council may provide that any administrative function, officer, or department of the City, except the Attorney, shall be placed under the administrative direction of such City Administrator, and in such event the City Administrator shall have the power to appoint, subject to confirmation by the Council, such administrative officers of the City as are placed under his administrative direction and shall have the power to discharge such administrative officers without confirmation by the Council.

Any administrative officer or employee who has been discharged may, within 10 days thereafter, petition the Council to hear the facts regarding such discharge, and in any such case the Council may, in its sole discretion, hold a hearing and inquire into such facts and may make such recommendation in the matter as it considers proper.

**Sec. 5.2. Vacancies in office.**

Any city office shall be declared vacant by the Council upon the occurrence of one or more of the following events before the expiration of the term of such office:

- (1) For any reason specified by statute or this Charter as creating a vacancy in office;
- (2) If the officer shall absent himself continuously from the City for more than sixty days without the permission of the Council;
- (3) In the case of any member of the Council, if such officer shall miss four consecutive regular meetings of the Council, or twenty-five per cent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Council, at the time of each absence;
- (4) Assumption by the officer of any office which is incompatible with the city office held by him.

**Sec. 5.3. Removals by council.**

After notice and the giving of an opportunity to be heard by the holder of any city office such city office shall be declared vacant by the Council upon the occurrence of one or more of the following events before the expiration of the term of such office:

(1) If such officer has failed to perform the duties of his office for ninety days because of physical or mental disability;

(2) If such officer has been found guilty of any act constituting misconduct in office under the provisions of this Charter by any court, or if such officer shall be found guilty of any act constituting misconduct in office under the provisions of this Charter, or willful neglect of, or gross inefficiency in, the performance of his duties as officer of the City by the vote of four or more members of the Council at or following the time set for such hearing.

For the purpose of this Section, notice shall be given to the officer at least ten days before the hearing. Such notice shall be given personally or by delivering the same at his last known place of residence. Such notice shall include a statement of reasons for the proposed removal. The hearing shall afford an opportunity to the officer, in person or by attorney, to cross-examine witnesses and to present testimony in his own defense.

**Sec. 6.7. Rules of the council.**

The Council shall determine its own rules and order of business, subject to the following provisions:

(1) A journal of the proceedings of each meeting shall be kept by the Clerk in the English language and shall be signed by the presiding officer and Clerk of the meeting.

(2) The vote upon all ordinances and resolutions shall be taken by a "Yes" and "No" vote and entered upon the records, except that, where the vote is unanimous, it shall only be necessary to so state.

(3) No Councilman shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but, on all other questions, each member who is present shall vote, unless excused by unanimous consent of the remaining members present.

(4) Each standing committee of the Council shall be composed of at least three members. In the event that the office of City Administrator is created as provided for in Section 4.6, supra, the Council shall not have any standing committee. The Council shall not assign the administration of any department of the City to any member or committee of the Council.

The compensation of any elective officer shall not be increased or decreased from the time of his election until the end of the term of office for which he was elected.

**Sec. 8.2. Budget procedures.**

The Council shall designate one of the administrative officers of the City as Budget Officer. Each board, commission, officer, and department head shall submit an estimate of his financial requirements, with supporting explanation thereof, for the next fiscal year to the Budget Officer on or before March 1 in each year.

The Budget Officer shall prepare and submit to the Council, on or before the first regular meeting in April of each year, a budget document covering the next fiscal year, tabulating the recommendations of the several department heads, boards, commissions, and officials, and shall include therein at least the following information:

(1) Detailed estimates of all proposed expenditures for each department and office of the City, showing the expenditures for corresponding items for the current fiscal year to February 1 and for the last preceding fiscal year, with reasons for increases and decreases recommended, as compared with appropriations for the current year;

(2) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;

- (3) An inventory of supplies and materials on hand at the date of the preparation of the estimates, with the value thereof, except office supplies and other minor items;
- (4) Detailed estimates of all anticipated revenues of the City from sources other than taxes and borrowing, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding fiscal year and for the current fiscal year, to February 1;
- (5) A statement of the estimated balance or deficit for the end of the current fiscal year;
- (6) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any anticipated revenues from other sources, will be necessary to meet the proposed expenditures; and
- (7) Such other supporting information as the Council may request.

#### **Sec. 8.8. Purchase and sale of property.**

The Council shall designate one of the administrative officers of the City as Purchasing Agent. Such officer shall be responsible for the purchase and sale of all city property. Competitive prices for all purchases and public improvements shall be obtained, except when no advantage to the City would result from such procedure. All purchases and sales shall be evidenced by written contract, purchase order, or bill of sale. The Council shall establish detailed procedures for purchases and sales. It may authorize the purchasing agent to make purchases and sales within a prescribed dollar limit without prior approval of the Council. In all sales or purchases in excess of seven thousand five hundred dollars, the sale or purchase shall be submitted to, and approved by the Council. In all such cases, formal sealed bids shall be obtained and, in all sales or purchases in excess of seven thousand five hundred dollars, compliance shall be had with the requirements of Section 13.6 of this Charter. The Council may authorize the making of public improvements, or the performing of any other city work, by any city agency or department without competitive bidding. The City may not sell any park, or any part thereof, unless approved by three-fifths of the electors of the City voting thereon at any general or special election.

and

**WHEREAS**, the Mason City Council believes that it would promote fair, equitable, efficient, and good government to place an amendment of the Charter before the qualified electors of the city of Mason to amend Section 4.6 of Chapter 4, Sections 5.2 and 5.3 of Chapter 5, Section 6.7 of Chapter 6, and Sections 8.2 and 8.8 of Chapter 8 to add the functions and duties for the position of City Administrator, to restrict the authority of the City Council to declare vacancies in city offices to only those offices not under the administrative control of the City Administrator,

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with 1909 PA 279, as amended, MCL 117.21, the Mason City Council hereby proposes that said Section 4.6 of Chapter 4, Sections 5.2 and 5.3 of Chapter 5, Section 6.7 of Chapter 6, and Sections 8.2 and 8.8 of Chapter 8 of the Mason City Charter be amended to read as follows:

#### **Sec. 4.6. Administrative service.**

The administrative officers of the City shall be the City Administrator, Finance Director, Clerk, Treasurer, Assessor, City Attorney, Chief of Police, Fire Chief, City Engineer, Building Inspector and Superintendent of Public Works. The Council may, by ordinance, create additional administrative offices and may, by resolution, combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the City. The City Administrator and City Attorney shall be appointed

by the Council for an indefinite term and shall serve at the pleasure of the Council. All other administrative officers of the City shall be under the administrative direction of the City Administrator.

Except as may be otherwise provided by statute or this Charter, the Council shall establish, by ordinance, such departments of the City as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities, and responsibilities of the officers of each department.

All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by, or under the authority of, this Section shall be deemed to be employees of the City.

**Sec. 4.7. City Administrator; appointment, functions and duties.**

(a) The city administrator shall be appointed by a vote of not less than four members of the council for an indefinite term. The city administrator shall be chosen by the council solely on the basis of his executive and administrative qualifications, his engineering experience and training with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office. No councilmember shall receive such appointment during the term for which he shall have been elected.

(b) The city administrator may be removed by the council by a majority vote of its members. The administrator may demand written charges or a written statement of the reasons for removal which the council shall furnish to the administrator within 20 days after the filing of such request. During this period the administrator may be suspended from office with pay. The action of the council in removing the administrator shall be final.

(c) Except as otherwise provided in this Charter or required by law, the city administrator shall be the executive officer and head of the administrative branch of the city. He shall be responsible to the city council for the proper administration of all affairs of the city, and to that end, subject to the personnel provisions of the Charter, he shall have power and shall be required to:

(1) Except for the City Attorney, appoint administrative officers of the city and suspend or discharge administrative officers of the city without confirmation by the Council. Except as otherwise provided by this Charter or law, appoint, suspend, or discharge any employee of the city or authorize the head of a department to appoint, suspend or discharge subordinates in such department, without confirmation of the Council.

(2) Serve as Budget Officer of the city and as such prepare the budget annually and submit it to the council and be responsible for its administration after adoption.

(3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.

(4) Keep the council advised of the financial condition and future needs of the city, and make such recommendations as he may deem desirable.

(5) Recommend to the council the salaries to be paid each appointive officer and subordinate employee of the city.

(6) Recommend to the council, in writing, for adoption such measures as he may deem necessary or expedient.

(7) Consolidate or combine offices, positions, departments or units under his jurisdiction, with the approval of the city council. The city administrator may be the head of one or more departments.

(8) Attend all meetings of the city council unless excused from such meetings by the council, except when his removal is under consideration by the council. The administrator shall have the privilege of taking part in the discussion of all matters

coming before the council. The administrator shall be entitled to notice of all meetings, regular and special, of the council.

(9) Serve as Purchasing Agent for the city and as such purchase all materials, supplies or equipment for which funds are provided in the budget in accordance with the ordinances and regulations adopted by the Council.

(10) To manage and supervise all public improvements, works and undertakings of the city; to supervise the construction, repair, maintenance, and cleaning of streets, sidewalks, bridges, utilities, and of all public buildings or other property belonging to the city.

(11) See that all laws and ordinances are duly enforced.

(12) Make investigations into the affairs of the city or any department or division of the city. Investigate all complaints in relation to all matters concerning the administration of the government of the city and in regard to service maintained by the public utilities in the city, and see that all franchises, permits and privileges granted by the city are faithfully observed.

(13) Devote his entire time to the discharge of his official duties.

(14) To exercise and perform all administrative functions of the city that are not imposed by this charter or any law or ordinance upon some other official.

(15) Perform such other duties as may be required of him by the council, not inconsistent with the Charter, law or ordinance.

(d) Individual members of the council shall not direct or request the appointment of any person to, or his removal from, office by the city administrator or by any of his subordinates, or in any manner attempt to dictate the appointment or removal of officers and employees in the administrative service of the city. Except for the purpose of inquiry, council members shall deal with the administrative service solely through the city administrator; and no council members shall give orders to any subordinates of the city administrator either publicly or privately.

(e) In case of accidents or other circumstances creating an emergency, the city administrator may, with the consent of the council, award contracts and make purchases for the purpose of repairing damages caused by the accident or meeting the public emergency; but he shall file promptly with the council a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

(f) The city administrator shall furnish a surety bond in an amount to be approved by the council, such bond to be conditioned on the faithful performance of his duties. The premium of the bond shall be paid by the city.

(g) The city administrator shall receive such compensation as the council shall fix by ordinance or resolution.

(h) Any vacancy in the office of city administrator shall be filled within 60 days after the effective date of such vacancy.

(i) The city administrator may designate an administrative officer to serve as acting city administrator during the absence of the city administrator. In the event of the temporary disability of the city administrator, the council may appoint an acting city administrator.

#### **Sec. 5.2. Vacancies in office.**

Any city office not under the administrative direction of the City Administrator, including any position on a board or commission, shall be declared vacant by the Council upon the occurrence of one or more of the following events before the expiration of the term of such office:

(1) For any reason specified by statute or this Charter as creating a vacancy in office;

(2) If the officer shall absent himself continuously from the City for more than sixty days without the permission of the Council;

- (3) In the case of any member of the Council, if such officer shall miss four consecutive regular meetings of the Council, or twenty-five per cent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Council, at the time of each absence;
- (4) Assumption by the officer of any office which is incompatible with the city office held by him.

### **Sec. 5.3. Removals by council.**

Any city office not under the administrative direction of the City Administrator, including any position on a board or commission, shall be declared vacant by the Council upon the occurrence of one or more of the following events before the expiration of the term of such office subject to the holder of such office being given notice and an opportunity to be heard:

- (1) If such officer has failed to perform the duties of his office for ninety days because of physical or mental disability;
- (2) If such officer has been found guilty of any act constituting misconduct in office under the provisions of this Charter by any court, or if such officer shall be found guilty of any act constituting misconduct in office under the provisions of this Charter, or willful neglect of, or gross inefficiency in, the performance of his duties as officer of the City by the vote of four or more members of the Council at or following the time set for such hearing.

For the purpose of this Section, notice shall be given to the officer at least ten days before the hearing. Such notice shall be given personally or by delivering the same at his last known place of residence. Such notice shall include a statement of reasons for the proposed removal. The hearing shall afford an opportunity to the officer, in person or by attorney, to cross-examine witnesses and to present testimony in his own defense.

### **Sec. 6.7. Rules of the council.**

The Council shall determine its own rules and order of business, subject to the following provisions:

- (1) A journal of the proceedings of each meeting shall be kept by the Clerk in the English language and shall be signed by the presiding officer and Clerk of the meeting.
- (2) The vote upon all ordinances and resolutions shall be taken by a "Yes" and "No" vote and entered upon the records, except that, where the vote is unanimous, it shall only be necessary to so state.
- (3) No Councilman shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but, on all other questions, each member who is present shall vote, unless excused by unanimous consent of the remaining members present.
- (4) The Council shall not have any standing committees.

### **Sec. 8.2. Budget procedures.**

Each board, commission, officer, and department head shall submit an estimate of his financial requirements, with supporting explanation thereof, for the next fiscal year to the Budget Officer on or before March 1 in each year.

The Budget Officer shall prepare and submit to the Council, on or before the first regular meeting in April of each year, a budget document covering the next fiscal year, tabulating the recommendations of the several department heads, boards, commissions, and officials, and shall include therein at least the following information:

- (1) Detailed estimates of all proposed expenditures for each department and office of the City, showing the expenditures for corresponding items for the current fiscal year to February 1 and for the last preceding fiscal year, with reasons for increases and decreases recommended, as compared with appropriations for the current year;
- (2) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;

- (3) An inventory of supplies and materials on hand at the date of the preparation of the estimates, with the value thereof, except office supplies and other minor items;
- (4) Detailed estimates of all anticipated revenues of the City from sources other than taxes and borrowing, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding fiscal year and for the current fiscal year, to February 1;
- (5) A statement of the estimated balance or deficit for the end of the current fiscal year;
- (6) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any anticipated revenues from other sources, will be necessary to meet the proposed expenditures; and
- (7) Such other supporting information as the Council may request.

**Sec. 8.8. Purchase and sale of property.**

The Purchasing Agent shall be responsible for the purchase and sale of all city property. Competitive prices for all purchases and public improvements shall be obtained, except when no advantage to the City would result from such procedure. All purchases and sales shall be evidenced by written contract, purchase order, or bill of sale. The Council shall establish detailed procedures for purchases and sales. It may authorize the purchasing agent to make purchases and sales within a prescribed dollar limit without prior approval of the Council. In all sales or purchases in excess of seven thousand five hundred dollars, the sale or purchase shall be submitted to, and approved by the Council. In all such cases, formal sealed bids shall be obtained and, in all sales or purchases in excess of seven thousand five hundred dollars, compliance shall be had with the requirements of Section 13.6 of this Charter. The Council may authorize the making of public improvements, or the performing of any other city work, by any city agency or department without competitive bidding. The City may not sell any park, or any part thereof, unless approved by three-fifths of the electors of the City voting thereon at any general or special election.

**BE IT FURTHER RESOLVED**, that the aforesaid proposition to amend Section 4.6 of Chapter 4 and Sections 5.2 and 5.3 of Chapter 5, Section 67 of Chapter 6, and Sections 8.2 and 8.8 of Chapter 8 of the Charter shall be submitted to the electors of the City of Mason at a special election to be held in the city on August 2, 2005.

BALLOT QUESTION

Shall Sections 4.6, 5.2, 5.3, 6.7, 8.2 and 8.8 of the City Charter be amended to establish the office of city administrator?

YES \_\_\_\_\_

NO \_\_\_\_\_

STATEMENT OF PURPOSE

This amendment will establish the office of city administrator by charter and specify the duties, authorities, and responsibilities of such office to be generally as are currently described and established by ordinance pursuant to section 2-84 of the city code.

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice

thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.  
RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2005-21 A Resolution to Propose an Amendment to Section 7.10 of the Charter of the City of Mason**

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2005-21**

**A RESOLUTION TO PROPOSE AN AMENDMENT TO SECTION 7.10 OF THE  
CHARTER OF THE CITY OF MASON.**

April 18, 2005

**WHEREAS**, the City of Mason is organized and operated as a Home Rule City pursuant to the Charter of the City of Mason adopted June 26, 1951 under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq.*; and

**WHEREAS**, Section 7.10 of Chapter 7 (Legislation) of said Charter presently reads as follows:

**Sec. 7.10. Compilation or codification of ordinances.**

Within ninety days after the adoption of this Charter the Council shall direct and commence, and within one year after the adoption of this Charter the Council shall complete the compilation or the codification of all ordinances of the City then in force, in printed loose-leaf form, and shall cause such compilation or codification to be maintained thereafter in current form.

The Council shall provide for the printing of copies of the compilation or codification and distribution thereof and may provide for a reasonable charge therefor. Such printing shall constitute publication of any such compilation or codification, the provision of Section 17.7 notwithstanding.

The copies of the ordinances and of the compilation or codification thereof, and of codes adopted by reference in accordance with Section 7.7 of this Charter may be certified by the Clerk and, when so certified, shall be competent evidence in all Courts and other legally established tribunals as to the matter contained therein.

and

**WHEREAS**, the Mason City Council believes that it would promote fair, equitable, efficient, and good government to place an amendment of the Charter before the qualified electors of the city of Mason to amend Section 7.10 of Chapter 7 to correct a printing error made in the original Charter by replacing the incorrect reference to Section 7.7 of the Charter with a reference to Section 7.8 of the Charter.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with 1909 PA 279, as amended, MCL 117.21, the Mason City Council hereby proposes that said Section 7.10 of Chapter 7 of the Mason City Charter be amended to read as follows:

**Sec. 7.10. Compilation or codification of ordinances.**

Within ninety days after the adoption of this Charter the Council shall direct and commence, and within one year after the adoption of this Charter the Council shall complete the compilation or the codification of all ordinances of the City then in force, in printed loose-leaf

form, and shall cause such compilation or codification to be maintained thereafter in current form.

The Council shall provide for the printing of copies of the compilation or codification and distribution thereof and may provide for a reasonable charge therefore. Such printing shall constitute publication of any such compilation or codification, the provision of Section 17.7 notwithstanding.

The copies of the ordinances and of the compilation or codification thereof, and of codes adopted by reference in accordance with Section 7.8 of this Charter may be certified by the Clerk and, when so certified, shall be competent evidence in all Courts and other legally established tribunals as to the matter contained therein.

**BE IT FURTHER RESOLVED**, that the aforesaid proposition to amend Section 7.10 of Chapter 7 of the Charter shall be submitted to the electors of the City of Mason at a special election to be held in the city on August 2, 2005.

BALLOT QUESTION

Shall Section 7.10 of the City Charter be amended to replace the reference to Section 7.7 of the Charter with the correct reference to Section 7.8 of the Charter?

YES \_\_\_\_\_

NO \_\_\_\_\_

STATEMENT OF PURPOSE

This amendment will correct a printing error made in publication of the original Charter.

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.  
RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2005-16 A Resolution to Propose an Amendment to Section 4.4 of the Charter of the City of Mason**

**CITY COUNCIL RESOLUTION NO. 2005-16**

**A RESOLUTION TO PROPOSE AN AMENDMENT TO SECTION 4.4 OF THE CHARTER OF THE CITY OF MASON.**

April 18, 2005

**WHEREAS**, the City of Mason is organized and operated as a Home Rule City pursuant to the Charter of the City of Mason adopted June 26, 1951 under the provisions of the Home Rule Cities Act, 1909 PA 279, as amended, MCL 117.1, *et seq.*; and

**WHEREAS**, Section 4.4 of Chapter 4 (Organization of Government) of said Charter presently reads as follows:

**Sec. 4.4. Election of mayor; mayor pro tem.**

The Council shall, at its first meeting in January of each year, elect one of its members to serve as Mayor and one to serve as Mayor Pro Tem, both for a term expiring at the first Council Meeting in January of the following year. In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability.

and

**WHEREAS**, the Mason City Council believes that it would promote fair, equitable, efficient, and good government to place an amendment of the Charter before the qualified electors of the city of Mason to amend Section 4.4 of Chapter 4 to change the term for Mayor and Mayor Pro Tem from one year to two years.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with 1909 PA 279, as amended, MCL 117.21, the Mason City Council hereby proposes that said Section 4.4 of Chapter 4 of the Mason City Charter be amended to read as follows:

**Sec. 4.4. Election of mayor; mayor pro tem.**

The Council shall, at its first meeting in January of 2007 and of each odd year thereafter, elect one of its members to serve as Mayor and one to serve as Mayor Pro Tem, both for a term expiring at the first Council Meeting in January of the following odd year. In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability.

**BE IT FURTHER RESOLVED**, that the aforesaid proposition to amend Section 4.4 of Chapter 4 of the Charter shall be submitted to the electors of the City of Mason at a special election to be held in the city on August 2, 2005.

BALLOT QUESTION

Shall Section 4.4 of the City Charter be amended to require election of the Mayor and Mayor Pro Tem by the Council for two-year terms at the first Council meeting in January of each odd year starting in 2007?

YES \_\_\_\_\_

NO \_\_\_\_\_

STATEMENT OF PURPOSE

This amendment will increase the term for Mayor and Mayor Pro Tem from one year to two years. The election of Mayor and Mayor Pro Tem by the Council will occur at the first Council meeting in January of each odd year starting in 2007. This election date will coincide with the swearing in of Council members.

**BE IT FURTHER RESOLVED**, that the City Clerk shall do and perform all acts required of said Clerk by the City Charter and the statutes of the State of Michigan in such case made and provided in regard to the registration of electors for said election, the giving of notice thereof, the giving of notice of such election, the preparation and furnishing of necessary ballots, the obtaining of necessary approval of this amendment by the Michigan Attorney General and Governor of the State of Michigan, and for the conduct of such election.  
RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2005-20 Resolution Establishing the City of Mason’s Title VI Policy Statement**

**Resolution No. 2005-20** was introduced by Coady-Helbig and seconded by Johnson.

MOTION by Coady-Helbig, second by Johnson,  
To amend Resolution No. 2005-20, in the fourth paragraph, by inserting “required” in front of *responsibilities*, and “are required” and in the fifth paragraph strike “BI” and insert “BE”.

MOTION APPROVED UNANIMOUSLY

**CITY OF MASON  
CITY COUNCIL RESOLUTION N. 2005-20  
A RESOLUTION ESTABLISHING THE CITY OF MASON’S  
TITLE VI POLICY STATEMENT**

**April 18, 2005**

**WHEREAS**, it is hereby the public policy of the City of Mason to assure that no person shall, on the grounds of race, color, sex, age, disability, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100-259), be excluded from or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity; and

**WHEREAS**, the City of Mason further assures every effort will be made to ensure nondiscrimination in all of its committees, programs and activities, regardless of the funding source; and

**WHEREAS**, the City of Mason will include Title VI language in all written agreements and bid notices and will monitor compliance; and

**WHEREAS**, the City Administrator of the City of Mason will be responsible for initiating and monitoring Title VI activities, and all other required responsibilities.

**NOW, THEREFORE BE IT RESOLVED** that the Mason City Council directs the City Administrator to implement the Title VI policy in accordance with city policy.

RESOLUTION APPROVED UNANIMOUSLY

MOTION by Coady-Helbig, second by Johnson,  
To introduce Special Assessment Resolution No. 1, Project No. 2005-5 and Resolution No. 2, Project No. 2005-5.

MOTION APPROVED UNANIMOUSLY

**Special Assessment Resolution No. 1, Project No. 2005-5, Coventry Woods Street Lighting District, Special Assessment**

**CITY OF MASON**

**COVENTRY WOODS STREET LIGHTING DISTRICT  
SPECIAL ASSESSMENT RESOLUTION NO. 1  
PROJECT NO. 2005-5**

**April 18, 2005**

**WHEREAS**, a petition having been filed for the installation and maintenance of a boulevard street lighting system on Coventry Lane by the property owners of a majority of the frontage on such street to be financed by special assessments upon the lands abutting thereupon pursuant to subsection 11.3(2) of the Mason City Charter, the City Council of the City of Mason desires to be advised of the feasibility of installing the requested boulevard street lighting system on Coventry Lane (hereinafter the "Project"), the location and nature of which is generally described as follows:

The installation and maintenance of a boulevard street lighting system upon and along Coventry Lane consisting of approximately 23 high pressure sodium traditional street light fixtures to be installed, operated, and maintained by the City along the entire length of Coventry Lane as described in Coventry Woods Condominiums, a condominium project established Master Deed recorded at Liber 2806, Pages 158 through 201 inclusive of Ingham County Records adjacent to and benefiting Units 1 through 69 inclusive, as described in Replat No. 1 of the Ingham County Condominium Subdivision Plan No. 143 recorded as Exhibit B to the First Amendment to Condominium Master Deed recorded at Liber 2843, Page 995, of Ingham County Records, said units having a common address of 101 Coventry Lane (Lot 1), 111 Coventry Lane (Lot 2), 121 Coventry Lane (Lot 3), 131 Coventry Lane (Lot 4), 211 Coventry Lane (Lot 5), 221 Coventry Lane (Lot 6), 231 Coventry Lane (Lot 7), 251 Coventry Lane (Lot 8), 261 Coventry Lane (Lot 9), 271 Coventry Lane (Lot 10), 222 Coventry Lane (Lot 11), 232 Coventry Lane (Lot 12), 242 Coventry Lane (Lot 13), 252 Coventry Lane (Lot 14), 262 Coventry Lane (Lot 15), 272 Coventry Lane (Lot 16), 282 Coventry Lane (Lot 17), 292 Coventry Lane (Lot 18) 312 Coventry Lane (Lot 19), 328 Coventry Lane (Lot 20), 332 Coventry Lane (Lot 21), 334 Coventry Lane (Lot 22), 333 Coventry Lane (Lot 23), 331 Coventry Lane (Lot 24), 329 Coventry Lane (Lot 25), 327 Coventry Lane (Lot 26), 325 Coventry Lane (Lot 27), 323 Coventry Lane (Lot 28), 321 Coventry Lane (Lot 29), 311 Coventry Lane (Lot 30), 281 Coventry Lane (Lot 31), 471 Coventry Lane (Lot 32), 465 Coventry Lane (Lot 33), 463 Coventry Lane (Lot 34), 461 Coventry Lane (Lot 35), 455 Coventry Lane (Lot 36), 453 Coventry Lane (Lot 37), 451 Coventry Lane (Lot 38), 441 Coventry Lane (Lot 39), 431 Coventry Lane (Lot 40), 421 Coventry Lane (Lot 41), 472 Coventry Lane (Lot 42), 464 Coventry Lane (Lot 43), 462 Coventry Lane (Lot 44), 452 Coventry Lane (Lot 45), 454 Coventry Lane (Lot 46), 432 Coventry Lane (Lot 47), 422 Coventry Lane (Lot 48), 412 Coventry Lane (Lot 49), and 402 Coventry Lane (Lot 50), 392 Coventry Lane (Lot 51), 382 Coventry Lane (Lot 52), 372 Coventry Lane (Lot 53), 362 Coventry Lane (Lot 54), 352 Coventry Lane (Lot 55), 346 Coventry Lane (Lot 56), 344 Coventry Lane (Lot 57), 341 Coventry Lane (Lot 58), 343 Coventry Lane (Lot 59), and 345 Coventry Lane (Lot 60), 347 Coventry Lane (Lot 61), 351 Coventry Lane (Lot 62), 353 Coventry Lane (Lot 63), 361 Coventry Lane (Lot 64), 371 Coventry Lane (Lot 65), 381 Coventry Lane (Lot 66), 391 Coventry Lane (Lot 67), 401 Coventry Lane (Lot 68), and 411 Coventry Lane (Lot 69);

and

**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;

- 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

## **Special Assessment Resolution No. 2, Project No. 2005-5, Coventry Woods Street**

### **CITY OF MASON**

#### **COVENTRY WOODS STREET LIGHTING DISTRICT SPECIAL ASSESSMENT RESOLUTION NO. 2 PROJECT NO. 2005-5**

**April 18, 2005**

**WHEREAS**, the City Council has ordered plans and estimates of costs of installing a boulevard street lighting system on Coventry Lane (hereinafter the "Project"); 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 establish the following street lighting special assessment district:

The installation and maintenance of a boulevard street lighting system upon and along Coventry Lane consisting of approximately 23 high pressure sodium traditional street light fixtures to be installed, operated, and maintained by the City along the entire length of Coventry Lane as described in Coventry Woods Condominiums, a condominium project established Master Deed recorded at Liber 2806, Pages 158 through 201 inclusive of Ingham County Records adjacent to and benefiting Units 1 through 69 inclusive, as described in Replat No. 1 of the Ingham County Condominium Subdivision Plan No. 143 recorded as Exhibit B to the First Amendment to Condominium Master Deed recorded at Liber 2843, Page 995, of Ingham County Records, said units having a common address of 101 Coventry Lane (Lot 1), 111 Coventry Lane (Lot 2), 121 Coventry Lane (Lot 3), 131 Coventry Lane (Lot 4), 211 Coventry Lane (Lot 5), 221 Coventry Lane (Lot 6), 231 Coventry Lane (Lot 7), 251 Coventry Lane (Lot 8), 261 Coventry Lane (Lot 9), 271 Coventry Lane (Lot 10), 222 Coventry Lane (Lot 11), 232 Coventry Lane (Lot 12), 242 Coventry Lane (Lot 13), 252 Coventry Lane (Lot 14), 262 Coventry Lane (Lot 15), 272 Coventry Lane (Lot 16), 282 Coventry Lane (Lot 17), 292 Coventry Lane (Lot 18) 312 Coventry Lane (Lot 19), 328 Coventry Lane (Lot 20), 332 Coventry Lane (Lot 21), 334 Coventry Lane (Lot 22), 333 Coventry Lane (Lot 23), 331 Coventry Lane (Lot 24), 329 Coventry Lane (Lot 25), 327 Coventry Lane (Lot 26), 325 Coventry Lane (Lot 27), 323 Coventry Lane (Lot 28), 321 Coventry Lane (Lot 29), 311 Coventry Lane (Lot 30), 281 Coventry Lane (Lot 31), 471 Coventry Lane (Lot 32), 465 Coventry Lane (Lot 33), 463 Coventry Lane (Lot 34), 461 Coventry Lane (Lot 35), 455 Coventry Lane (Lot 36), 453 Coventry Lane (Lot 37), 451 Coventry Lane (Lot 38), 441 Coventry Lane (Lot 39), 431 Coventry Lane (Lot 40), 421 Coventry Lane (Lot 41), 472 Coventry Lane (Lot 42), 464 Coventry Lane (Lot 43), 462 Coventry Lane (Lot 44), 452 Coventry Lane (Lot 45), 454 Coventry Lane (Lot 46), 432 Coventry Lane (Lot 47), 422 Coventry Lane (Lot 48), 412 Coventry Lane (Lot 49), and 402 Coventry Lane (Lot 50), 392 Coventry Lane (Lot 51), 382 Coventry Lane (Lot 52), 372 Coventry Lane (Lot 53), 362 Coventry Lane (Lot 54), 352 Coventry Lane (Lot 55), 346 Coventry Lane (Lot 56), 344 Coventry Lane (Lot 57), 341 Coventry Lane (Lot 58), 343 Coventry Lane (Lot 59), and 345

Coventry Lane (Lot 60), 347 Coventry Lane (Lot 61), 351 Coventry Lane (Lot 62), 353 Coventry Lane (Lot 63), 361 Coventry Lane (Lot 64), 371 Coventry Lane (Lot 65), 381 Coventry Lane (Lot 66), 391 Coventry Lane (Lot 67), 401 Coventry Lane (Lot 68), and 411 Coventry Lane (Lot 69);

Further, the City Council deems it advisable to defray all of the cost of the Project through annual 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 of the cost thereof by annual special assessments against the properties specially benefited thereby in the proposed street lighting special assessment district;
- 3) there is hereby tentatively designated a special assessment district against which all 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 sixth day of June, 2005 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 Chapter 66 of the Mason Code and the provisions of Chapter 11 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  
COVENTRY WOODS STREET LIGHTING DISTRICT  
SPECIAL ASSESSMENT PROJECT NO. 2005-5**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN**, the owners of the land described below within the Coventry Woods Street Lighting Special Assessment District 2005-5, and any other interested persons:

**PLEASE TAKE NOTICE** that a public hearing will be held by the Mason City Council at a regular meeting of the Council to be held on Monday, June 6, 2005, at 7:30 p.m., in the City Council chambers, City Hall, 201 W. Ash Street Mason, Michigan 48854, for the purpose of reviewing a petition filed by the property owners of a majority of the frontage of Coventry Lane requesting the installation of a boulevard street lighting system on Coventry Lane pursuant to Section 11.3(2) of the Mason City Charter. The City Council will consider the request to establish a street lighting special assessment district for the annual operation and maintenance of streetlights for the entire condominium development known as Coventry Woods Condominium according to the Condominium Master Deed recorded at Liber 2806, Pages 158 through 201, inclusive, of Ingham County Records, as amended by First

Amendment to Master Deed recorded at Liber 2843, Page 995, of Ingham County Records, which condominium project is sited south of Columbia Road and west of U.S. 127.

**PLEASE TAKE FURTHER NOTICE** that the cost of the project as described, if approved, will be made the obligation of a special assessment district tentatively designated and described as:

**COVENTRY WOODS STREET LIGHTING DISTRICT  
SPECIAL ASSESSMENT PROJECT NO. 2005-5**

Further information regarding the proposed Coventry Woods Street Lighting District Special Assessment Project No. 2005-5 is available at the City Clerk's office, City Hall, 201 W. Ash Street, Mason, Michigan 48854, during normal business hours. A detailed list of properties to be included in the district will be available for review at the City Clerk's office. Written comments may be sent to the Mason City Clerk, 201 W. Ash Street, Mason, Michigan 48854 and will be included as part of the record of the proceeding. Individuals with disabilities needing accommodations to fully participate in the meeting may contact the Clerk to request the necessary assistance at least two (2) days prior to the meeting.

**PLEASE TAKE FURTHER NOTICE** that the annual installments to be assessed against the benefiting property owners to operate and maintain the street lighting project will be subject to periodic redeterminations of cost by the Mason City Council without further notice or hearing to owners of record or parties in interest in the property, which periodic redetermination of cost will be made by the City Council at the date of the hearing on the annual city budget held in May of each year; provided, however, that should any annual increase in the assessment exceed 10%, the City Council will provide a supplemental notice and hearing on the assessment roll.

Dated: April 18, 2005

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Martin A. Colburn, City Clerk

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

MOTION by Whipple, second by Clark,  
To amend the Agenda by adding Item No. 15. Motion – Property Acquisition.  
MOTION APPROVED UNANIMOUSLY

**UNFINISHED BUSINESS**

Whipple informed the Council that the Utilities Code would be on the next regular meeting agenda.

**NEW BUSINESS**

Whipple stated that a television should be installed in the vestibule of the Council Chambers to enable residents to watch the meeting when there is an audience that exceeds the Chamber's capacity.

**CORRESPONDENCE**

All correspondence was distributed.

**LIAISON REPORTS**

Bruno informed Council regarding the April 11 Tree Commission meeting. Clark informed the Council regarding Planning Commission business.

**ADMINISTRATOR'S REPORT**

Colburn informed the Council on current city business.

**PEOPLE FROM THE FLOOR**

None.

**EXECUTIVE SESSION**

MOTION by Clark, second by Whipple,

To adjourn to executive session to discuss property acquisition.

ROLL CALL VOTE:

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

No (0)

Absent (0)

MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 11:28 pm. and opened in public session at 11:39 p.m.

MOTION by Whipple, second by Clark,

To approve the buy sell agreement to purchase property located at 441 N. Jefferson for \$100,000.

MOTION APPROVED UNANIMOUSLY

The meeting adjourned at 11:40 pm.

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Martin A. Colburn, City Clerk

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Robin C. Naeyaert, Mayor