

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF JUNE 6, 2005**

Naeyaert called the meeting to order at 7:35 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Whipple led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Coady, Johnson, Mulvany, Whipple, Naeyaert  
Absent: Councilmembers: None  
Also present: Martin Colburn, City Administrator  
Kathy Revels, City Finance Director/Treasurer  
Joe Dean, DPW Director  
Dennis McGinty, City Attorney  
Bill Potter, City Engineer  
Deborah Cwierniewicz, Deputy City Clerk

**APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: May 16, 2005**

The Regular Meeting Minutes of May 16, 2005 were approved as submitted.

**APPROVAL OF BILLS**

MOTION by Whipple, second by Clark,  
To approve the payment of bills in the amount of \$82,062.48 as submitted.  
**MOTION APPROVED UNANIMOUSLY**

**PEOPLE FROM THE FLOOR**

Tom Shaver of 132 Orchard Lane stated that he is not happy with the construction on Orchard Lane. Naeyaert recommended that he make an appointment with Mr. Colburn to address all of his questions and concerns.

Naeyaert asked for persons wanting to address the Mason Public Library to come forward.

Quendra Story, Capital Area District Library (CADL) Board Chairperson, explained the structure of CADL, the agreements they hold with communities, and their services. She added that communities that offer a building and ask to have a library would receive library services. Discussion followed regarding the recent closing of the Mason Public Library due to the mold condition. Colburn asked Ms. Story what remedial standard CADL is expecting because there are no federal or state level standards for mold; and added that it has been eluded to that a new building is expected. Ms. Story stated that that the city chooses the library building; however, it must be safe. Naeyaert reminded her that the Ingham County Health Department (ICHHD) reported that there is no health risk. Ms. Story stated that they had people get sick. However, CADL had not received information from the ICHHD that the health conditions were safe. Colburn stated that he was holding a copy of the letter that Mike Allen ICHHD Toxologist, informed CADL by email two weeks ago. Ms. Story stated that the city would have to convince CADL that the library is safe before they send employees to work there. Ms. Story finalized by stating that the City and CADL could surely come to an agreement on the opinion of someone that they both respect. Coady asked Ms. Story if CADL would be amendable amenable to look at a solution that is beyond the scope of the original "that's how it has always been done" approach. Ms. Story stated that they would be open to the suggestions, but felt that addressing it would not happen immediately nor would it be easy because the city would have

to proceed from the current point of the situation. Naeyaert referred to the recent newspaper article that quoted a library representative saying that nothing but a new facility, ~~nothing~~ would be acceptable because CADL wants to expand programs and continue to expand services. Ms. Story stated that any safe facility provided, would be utilized. Again, Colburn asked for a meeting with CADL staff to define what the standard of "safe" is. Ms. Story stated that she would see that the meeting is scheduled.

Elaine Ferris, Friends of the Library President, stated that the "Friends" would like to help and offered the funds that have been saved for the building restoration toward clean up of the building to help get it open. In addition, they offered a \$2,000 donation that was given by the community. Naeyaert thanked Ms. Ferris and the Friends, as well as the Mason Historical Museum for their offer to provide services in one way or another. She added that the only service being offered to city residents is the drop box and no other alternative has been offered [to those] who continue to pay for the services as part of their taxes.

Ruby Schnieder of 900 N. Every Road stated that she is a first grader and values the library and would like to use it this summer.

Don Vickers, Ingham County Commissioner, stated that the Leslie Township Librarian, Pat Worden, would like the Mason residents to feel welcome to use the Leslie Library. Mr. Vickers stated that he will be speaking with the CADL staff and continue to try to find ways to get the library open.

Barb Nelson, Friends of the Library Secretary, asked why the city has not come up with a building to move the books to and open. Colburn explained the logistics and costs of moving the books, computers, etc. If it can be done within a short period of time, it would not be wise to move it back and forth.

Lynne Lindsay of 305 W. Elm, Apt. No. 2, expressed admiration for the library building, but stated that it has out grown its use. She spoke to looking toward the future and suggested using the renewed Mason Plaza space and noting the sidewalks, the bus route, etc.

Rana Caskey of 751 E. Ash Street stated that she is a seventh grader at Mason Middle School and expressed what a loss it has been since the library has been closed and asked that it be resolved as quick as possible.

Mike Hamm of 2300 Lamb Road encouraged CADL to come up with acceptable standards for opening the library and to recognize that Stachybotrys is everywhere and most people put a dehumidifier in the basement. He stated that CADL has not given him any confidence that there is an imminent solution. He added that, if safety is their interest, they have had a month to come up with standards, but he didn't hear any. He urged them to come up with some standards. He asked that reasonable solutions be devised that preserve the safety of the employees and library patrons quickly before the summer ends.

Gwen Tuckey of 524 McRoberts stated that she and her family miss the library. She asked why CADL didn't bring the Book Mobile so that residents don't have to drive to other locations.

Lee Burton, Friends of the Library Treasurer, stated that if the Friends cannot hold book sales,

they cannot make money and then cannot donate it. She asked if they could even use the garage of the Library for their book sale.

Bill Wedemeyer of 618 S. Jefferson Street asked if there are maintenance funds for the library and emergencies that arise. Colburn answered that there is a fund to maintain the library building, but there are not funds other than that. Colburn discussed the built-in inequity that has been pointed out to CADL and that the city has asked them to provide funding for buildings and to extend the term of the millage. Coady stated that the focus of the ad hoc Library Committee's current survey to determine the general feeling of the community whether they wish that the city would spend the money to renovate the building, or if a new building should be built, and where should that be. She stated her point in asking the Board Chair if they were interested in looking at ways of doing business as a library; which would include doing county wide taxing opposed to city taxing for a library that is used by multiple residents that don't live in the city of Mason. Whipple stated that he and other Councilmembers visited that library today and he feels that the library should be opened. He doesn't feel it is an emergency situation. Mulvany responded to Mr. Wedemeyer's question stating that being a charter city, the city is not mandated to fund a library. The library was operated and maintained by the County until the early 1990s when the county declared that they would not operate it anymore, and the city of Mason maintained it rather than lose it. The library building doesn't belong to the city. It is a restricted deed and belongs to whoever is willing to operate a library in the building; however CADL does have a mandate to operate libraries.

Kate Peyton of 930 Dart Road stated that she is a former CADL Board Member and commented that the city does have a contract with CADL and suggested that the city read it prior to holding the meeting with CADL.

Colburn informed the Council regarding the status of the library at this time. CADL Asst. Director Nancy Bujold informed him May 12, 2005 that the library had been closed due to noxious odors. He investigated the building and detected a slight musty odor. CADL's consultant, Mold Free identified that there is mold in the building. The city immediately began remediation steps and had the building O-Zoned over the weekend, had the vents cleaned, down spouts were cleaned and water was redirected for better drainage. The last time there was a water leak, the carpets were professionally sanitized and there is not any evidence that there is mold under the carpet. Colburn provided copies of the ICHD and Wolverine reports. Mike Allen of the ICHD is a toxologist and bio-chemist. He found historical evidence of mold. Mike Banner of Mold Free verbally reported that mold identified was not live mold, it was dead. Colburn stated that moldy books were found in a dumb-waiter in the building that is used as an air return for the furnace. City staff removed the books, but it is likely that May 12 the "right" conditions were present and an odor occurred. Colburn recommended that the city and CADL meet to establish what level of remediation would be acceptable. It is his opinion that the remedial recommendations be implemented, assuming that an agreement is met between CADL and the city. He feels that the library could be opened tomorrow. Bruno stated that several council members investigated the library prior to the meeting, and it was their feeling that the library could open tomorrow. Clark stated that contrary to the broad belief that the library building is an historic building, it is not. The placard cites that the city of Mason as being the only city that is the county seat that is not the capital and was placed there because it was unknown where else to place it.

A brief recess was taken at 9:10 p.m. and the meeting reconvened at 9:13 p.m.

## **REGULAR BUSINESS**

### **Presentation – Tamara Mires – Detroit Shock**

Detroit Shock Basketball Team representative Tamara Mires was unable to attend the meeting as planned due to the Pistons' playoffs. Ms. Mires will be at the next regular meeting to present information about "The City of Mason Night" promotion in honor [of] Krisitn Haynie's first appearance as a WNBA player at the Palace of Auburn Hills, July 1, 2005, when Kristin and the Sacramento Monarchs take on the Detroit Shock. The Palace is offering an exclusive \$15 package for the City of Mason.

### **Ordinance No. 147 – Utilities – Second Reading and Adoption**

MOTION by Whipple, second by Mulvany,

To consider Ordinance No. 147 as read for the second time and adopted.

**MOTION APPROVED UNANIMOUSLY**

Ordinance No. 147 was introduced by Whipple, seconded by Mulvany.

Introduced: May 16, 2005

First Reading: May 16, 2005

Second Reading: June 6, 2005

Adoption: June 6, 2005

#### **CITY OF MASON ORDINANCE NO. 147**

AN ORDINANCE TO AMEND SECTION 1 - DEFINITIONS - OF CHAPTER 1 - GENERAL PROVISIONS OF THE CODE OF THE CITY OF MASON BY AMENDING THE DEFINITION OF OWNER AND ADDING A DEFINITION FOR PREMISES.

THE CITY OF MASON ORDAINS:

Section 1-2 of Chapter 1 of the Code of Ordinances of the City of Mason is hereby amended by amending the definition of *owner* and adding a new definition for *premises* which amended and definitions shall read as follows:

*Owner* shall mean any person who alone, jointly or severally with others:

- (1) Shall have legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof. However, with respect to special assessments, the owner shall be considered the person appearing on the assessment roll for the purpose of giving notice and billing.
- (2) Shall have charge, care, possession or control of any premises, dwelling or dwelling unit as owner or agent of the owner, or as personal representative, administrator, trustee, receiver, or guardian of the estate of the owner.

Any such person thus representing the actual owner shall be bound to comply with the provisions of this code and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner.

*Premises* shall mean a tract of land including any buildings or structures thereon.

**Effective Date.** This Ordinance shall take effect 20 days after its passage, approval, and publication.

The foregoing Ordinance was moved for adoption by Council Member Whipple and seconded by Council Member Mulvany, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 16<sup>th</sup> day of May, 2005.

Mason Codes declared adopted this 6<sup>TH</sup> day of June, 2005.

\_\_\_\_\_  
Robin C. Naeyaert, Mayor

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

ORDINANCE APPROVED UNANIMOUSLY

**Public Hearing – Coventry Woods Streetlighting**

Naeyaert opened the public hearing at 9:16 p.m.

Bob Smith of 451 Coventry Lane thanked Council for helping the Coventry Woods residents to have streetlights installed and maintained through the special assessment process.

Naeyaert closed the public hearing at 9:17 p.m.

**Special Assessment Resolution No. 3, Project No. 2005-5 Coventry Woods Street Lighting District**

Special Assessment Resolution No. 3, Project No. 2005-5 was introduced by Whipple and seconded by Bruno.

**CITY OF MASON**

**COVENTRY WOODS STREET LIGHTING DISTRICT  
SPECIAL ASSESSMENT RESOLUTION NO. 3  
PROJECT NO. 2005-5**

**June 6, 2005**

**WHEREAS**, the City Council of the City of Mason, pursuant to the provisions of Chapter 66 of the Mason Code and the provisions of Section 11.3(2) of the City Charter, did on Monday, the eighteenth day of April, 2005, adopt a resolution tentatively approving the installation and maintenance of a boulevard street lighting system on Coventry Lane (the Project, described below), and the establishment of a special assessment district therefore for the purpose of defraying all of the cost the operation and maintenance of the boulevard street lighting system, which Project and special assessment district are more specifically hereinafter described; and

**WHEREAS**, this City Council did meet on Monday, the sixth day of June, 2005, at 7:30 p.m., the time, date and place set by the City Council to conduct a public hearing to hear any objections to the Project and to the special assessment district therefore; and

**WHEREAS**, plans and estimates of cost of said Project are on file with the City Clerk

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

1. The City Council hereby determines to establish the Coventry Woods Street Lighting District and proceed with the Project, the location and nature of which is 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

2. The City Council hereby approves the plans and estimate of the initial annual cost for the Project in the sum of \$2,461.20 or \$35.67 per lot as prepared by Consumers Energy and presented by the City Administrator. Of the total cost of the project, City Council determines to annually assess 100% of that amount plus a ten percent (10%) administrative fee against benefiting property owners in the City. The cost per lot in the initial year will be \$39.24.

3. The City Council finally determines that the special assessment district for the Project shall consist of the lots and parcels of land in the area of the City described in **Exhibit A**, attached hereto and incorporated herein by reference.

4. The City Council hereby directs the City Assessor to make, and report to the City Council within thirty (30) days from the date of this resolution, a special assessment roll in which shall be described all of the parcels of land to be annually assessed as set forth with the names of the owners thereof, if known, and the total amount to be assessed against each parcel of land, which amounts shall be such relative proportion of the whole sum to be levied against all parcels of land in the special assessment district as, on a per lot basis, the benefit to such parcel bears to the total benefit of all parcels of land in the special assessment district, all in accordance with Chapter 66 of the Mason Code and the provisions of Section 11.3(2) of the City Charter, and subject to review and modification by the City Council.

5. When the City Assessor shall have completed the special assessment roll, she shall affix thereto her certificate stating that said roll was made pursuant to a resolution of the City Council of the City of Mason, adopted June 6, 2005, and that in making the special assessment roll she has, according to her best judgment, conformed in all respects to the directions contained in said resolution and the statutes of the State of Michigan, and the City Assessor shall then, within thirty (30) days from the date of this resolution, report the special assessment roll with her certificate attached thereto to the City Council.

6. The City Council further determines that the annual installments to be assessed against the benefiting property owners to operate and maintain the street lighting system will be subject to periodic redeterminations of cost by the City Council without further notice or hearing to the owners of record or parties in interest in the property, which periodic redetermination of costs 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.

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

Yes: (7) Bruno, Clark, Coady, Johnson, Mulvany, Whipple, Naeyaert  
No: (0)

**CLERK’S CERTIFICATION:** I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, June 6, 2005, the original of which is part of the City Council minutes.

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

RESOLUTION APPROVED UNANIMOUSLY

**Special Assessment Resolution No. 4, Project No. 2005-5 Coventry Woods Street Lighting District**

Special Assessment Resolution No. 4, Project No. 2005-5 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON**

**COVENTRY WOODS STREET LIGHTING DISTRICT  
SPECIAL ASSESSMENT RESOLUTION NO. 4  
PROJECT NO. 2005-5**

**June 6, 2005**

**WHEREAS**, by resolution adopted Monday, June 6, 2005, the City Council of the City of Mason determined to proceed with the Coventry Woods Street Lighting District Special Assessment Project No. 2005-5 (the Project) and assess the cost thereof against the property deemed benefited by the Project, all in accordance with Chapter 66 of the Mason Code and the provisions of Chapter 11 of the City Charter; and

**WHEREAS**, the City Assessor has prepared and reported to the City Council an estimate of the amounts to be included annually in a special assessment roll assessing the cost of the Project to the property benefited; and

**WHEREAS**, the City Council desires to schedule a public hearing to review and hear objections to the special assessment roll.

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

1. The special assessment roll shall be certified and filed with the office of the City Clerk pursuant to the resolution adopted by the City Council on Monday, June 6, 2005 and shall be available for public examination during regular business hours on regular business days.

3. The City Council shall meet at 7:30 p.m., on Tuesday, the fifth day of July, 2005, in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing and hearing objections to the special assessment roll.

3. The City Clerk shall cause notice of the hearing and the filing of the special assessment roll to be given to all interested property owners as provided by Chapter 66 of the Mason Code and Chapter 11 of the City Charter of the City of Mason. The notice as published and mailed shall be in substantially the following form:

**NOTICE OF HEARING**

**CITY OF MASON  
INGHAM COUNTY, MICHIGAN**

**NOTICE OF PUBLIC HEARING ON THE  
SPECIAL ASSESSMENT ROLL FOR THE  
COVENTRY WOODS STREET LIGHTING DISTRICT  
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 the City Assessor has reported to the City Council and filed in the office of the City Clerk for public examination a special assessment roll prepared by her related to all properties listed below, and that are within the Coventry Woods Street Lighting, Special Assessment District 2005-5, and are benefited by the street lighting project 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);

The special assessment roll has been prepared for the purpose of annually assessing 100% of the costs of the operation and maintenance of the street lighting system within the special assessment district, as more particularly shown on the plans which are on file and available for public examination with the City Clerk at the City Hall, 201 West Ash Street, Mason, Michigan, within the City. The initial estimated annual assessment is \$35.67 per lot, plus a ten percent (10%) administrative fee or \$39.24 per lot per year.

**PLEASE TAKE FURTHER NOTICE** that the City Assessor has further reported that the assessment against each parcel of land within the special assessment district is such relative portion of the whole sum levied against all parcels of land in the special assessment district as the benefit to such parcel bears to the total benefit to all parcels of land in the district.

**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 of 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.

**PLEASE TAKE FURTHER NOTICE** that the City Council will meet on Tuesday, the fifth day of July, 2005, at 7:30 p.m., in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing the proposed special assessment roll and hearing any objections thereto. The special assessment roll may be examined at the office of the City Clerk during regular business hours of regular business days until the time of the hearing and may further be examined at the hearing.

Appearance and protest at the hearing, in person or in writing, are required in order to appeal the action of the City Council in approving the special assessment roll and/or the amount of an assessment to the state tax tribunal. A property owner or party in interest, or

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

Further information regarding the street lighting district special assessment project is available at the City Clerk's offices, City Hall, 201 West 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.

Dated: June 6, 2005

\_\_\_\_\_  
Martin Colburn, City Clerk

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

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

No: (0)

**CLERK'S CERTIFICATION:** I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, June 6, 2005, the original of which is part of the City Council minutes.

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

RESOLUTION APPROVED UNANIMOUSLY

### **Resolution No. 2005-26 – Approval of Increase to Refuse Fee for Administrative Expenses**

Resolution No. 2005-26 was introduced by Whipple and seconded by Mulvany.

#### **CITY OF MASON CITY COUNCIL RESOLUTION NO. 2005-26**

#### **APPROVAL OF INCREASE TO REFUSE FEE FOR ADMINISTRATIVE EXPENSES**

**June 06, 2005**

**WHEREAS**, it is the intent of the City Council of the City of Mason that the refuse fee charged to property owners on the City of Mason July tax statement fully cover the expense of refuse services; and

**WHEREAS**, the City Council contracted with Maximus to calculate the City's administrative expenses by cost center; and

**WHEREAS**, the City Administrator recommends to the City Council that the refuse fee be increased from \$122.40 per unit to \$128.51 per unit for 2005/2006 to include the administrative expenses incurred;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Mason that the Finance Director/Treasurer is hereby directed to increase the refuse fee per unit to \$128.51 on all taxes levied on the July 2005 tax roll of the City of Mason; and

**BE IT FURTHER RESOLVED**, that the Mason City Council does hereby direct the Finance Director/Treasurer to include administrative expense in the refuse fee per unit for the duration of the agreement with Allied Disposal/Granger Services.

Yes: (7) Bruno, Clark, Coady, Johnson, Mulvany, Whipple, Naeyaert  
No: (0)

**CLERK'S CERTIFICATION:** I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, June 06, 2005 the original of which is part of the Council's minutes.

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

RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2005-27 – Fireworks Display Agreement**

McGinty suggested that the resolution also authorize that the agreement is signed by the Mayor on behalf of the City of Mason for use of the facilities for the fireworks display.

Resolution No. 2005-27 was introduced by Whipple and seconded by Bruno. Introduced:

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2005-27**

**FIREWORKS DISPLAY AGREEMENT**

**June 6, 2005**

**BE IT HEREBY RESOLVED**, by the City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department to hold a fireworks display on the evening of July 4, 2005 in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.

**FURTHER RESOLVED**, that the lease agreement with the Ingham County Fair Grounds be signed by the Mayor on behalf of the City of Mason for use of the facilities that day.

Yes: (7) Bruno, Clark, Coady, Johnson, Mulvany, Whipple, Naeyaert  
No: (0)

**CLERK'S CERTIFICATION:** I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, June 6, 2005 the original of which is part of the Council's minutes.

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

RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2005-28 – Request for Grant of Easement from Capital Region Airport Authority**

Potter and Dean addressed the reasons regarding the necessity to obtain an easement from the Capital Region Airport Authority (CRAA) for the Temple Street project. Discussion ensued.

McGinty suggested including the Mayor in the last paragraph of Resolution No. 2005-28 by adding “and the Mayor” after *City Administrator*.

Resolution No. 2005-28 was introduced by Whipple and seconded by Bruno.

Introduced: Whipple  
Second: Bruno

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2005-28**

**REQUEST FOR GRANT OF EASEMENT  
FROM CAPITAL REGION AIRPORT AUTHORITY**

**JUNE 6, 2005**

**WHEREAS**, it is in the best interests of the City of Mason to develop a sanitary sewer district to serve the proposed Temple Street extension, between M-36 and Kipp Road ; and

**WHEREAS**, the construction of a sanitary sewage pump station and force main is necessary for said sanitary sewer district; and

**WHEREAS**, the proposed pumping station and sanitary sewer can be constructed to provide future gravity service to the Jewett Airport owned by the Capital Region Airport Authority;

**WHEREAS**, the City of Mason desires an easement for the proposed sanitary sewer force main to be constructed along Kipp Road on Jewett Airport property owned by the Capital Region Airport Authority;

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council does hereby approve the request to the Capital Region Airport Authority for grant of easement for the force main by the City of Mason; and

**BE IT FURTHER RESOLVED**, that, in consideration of the grant of easement by the Capital Region Airport Authority, the sanitary sewer in Temple Street will be constructed at maximum depth to facilitate future gravity service to Jewett Airport, and that a tee will be placed in the new 12-inch watermain near Temple Street and Kipp Road to facilitate future watermain extension to Jewett Airport; and

**BE IT FURTHER RESOLVED**, that at such time as the Capital Region Airport Authority requests water and sanitary sewer service to Jewett Airport, the City of Mason will not object to said service and will respond to the request in accordance with the 1984 PA 425 Agreement and subsequent Settlement Agreement and Stipulation of Dismissal between the City and Vevay Township dated May 14, 1998 in Case No. 97-58216-C; and

**BE IT FURTHER RESOLVED**, that the Mason City Council does hereby authorize the City Administrator and the Mayor to accept and sign the easement agreement upon receipt of a construction permit from the Michigan Department of Transportation, and approval of the easement requested herein by the Capital Region Airport Authority.

Yes: (6) Clark, Coady, Johnson, Mulvany, Whipple, Naeyaert  
No: (1) Bruno

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

RESOLUTION APPROVED

**Resolution No. 2005-29 – Award of Bids for Contract A: Temple Street Extension, Contract B: Sanitary Pump Station & Sewer System**

Resolution No.2005-29 was introduced by Whipple and seconded by Johnston.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2005-29**

**AWARD OF BIDS FOR-  
CONTRACT A: TEMPLE STREET EXTENSION,  
CONTRACT B: SANITARY PUMP STATION & SEWER SYSTEM**

**JUNE 6, 2005**

**WHEREAS**, a Development Agreement was entered into on November 15, 2004, between the City of Mason, and the Alice L. Jewett Trust and the Arthur W. Jewett Trust collectively known as the developer; and

**WHEREAS**, the said agreement provides for the City of Mason to direct the design and bid letting for the construction of Temple Street between M-36 and Kipp Road, water and storm sewer systems, known as Contract A; plus a sanitary pump station, sewer and force main, known as Contract B; and

**WHEREAS**, bids were received for both contracts, publicly opened and read aloud on March 24, 2005; and

**WHEREAS**, the city engineer has reviewed the bids submitted, made the necessary inquiries on references, and has made a recommendation of the Notice of Awards for Contract A and Contract B;

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council does hereby approve the award of Contract A for the extension of Temple Street to Glen Mauldon Construction in the amount of One million, fifty thousand, two-hundred sixty-five dollars and 00 cents (\$1,050,265.00); and approve the award of Contract B for the construction of the pump station and sewer to Hoffman Brothers in the amount of Six-hundred eighty-one thousand, eight-hundred forty-seven dollars and 50 cents (\$681,847.50).

**BE IT FURTHER RESOLVED**, that the Mason City Council does hereby direct the City Administrator to execute the Notice of Awards for both Contract A and Contract B.

Yes: (6) Clark, Coady, Johnson, Mulvany, Whipple, Naeyaert  
No: (1) Bruno

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Martin A. Colburn, City Clerk  
City of Mason

Ingham County, Michigan

[RESOLUTION APPROVED]

**Resolution No. 2005-30 – Agreement for Engineering Services for the Drinking Water Feasibility Study**

Resolution No. 2005-30 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2005-30**

**AGREEMENT FOR ENGINEERING SERVICES FOR  
THE DRINKING WATER FEASIBILITY STUDY**

**JUNE 6, 2005**

**WHEREAS**, due to recent Federal US-EPA and State of Michigan Department of Environmental Quality changes to the Drinking Water regulations, the City of Mason must comply with the new drinking water standards, specifically radionuclides; and

**WHEREAS**, it was in the best interests of the City of Mason and public health to select a professional consultant to perform a comprehensive study on its municipal drinking water system regarding radionuclides and other considerations, and recommend the best possible treatment alternative; and

**WHEREAS**, the City of Mason selected the consultant team led by Wolverine Engineers & Surveyors, Inc., by means of the recognized Qualifications Based Selection Process; and

**WHEREAS**, the City Council authorized the City Administrator to negotiate an agreement for services for said study at its May 2, 2005 meeting;

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council does hereby approve the Agreement For Engineering Services for the Drinking Water Feasibility Study with Wolverine Engineers & Surveyors, Inc. as per the terms of the written agreement.

Yes: (7) Bruno, Clark, Coady, Johnson, Mulvany, Whipple, Naeyaert  
No: (0)

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

RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2005-31 – Drainage Facilities Maintenance Agreement: Green Park Townhomes**

Resolution No. 2005-31 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2005-31**

**DRAINAGE FACILITIES MAINTENANCE AGREEMENT:  
GREEN PARK TOWNHOMES**

**JUNE 6, 2005**

**WHEREAS**, First Properties Company, 39555 Orchard Hill Place, Suite 600, Novi, Michigan 48375, is developing property known as Green Park Townhomes with the City of Mason; and

**WHEREAS**, development of the property includes total reconstruction of Orchard Lane, plus installation of drinking water, sanitary sewer and storm water utilities constructed to the City of Mason's Development Standards; and

**WHEREAS**, due to new Phase II Storm Water regulations and as a condition of connection of the proposed public storm sewer to a county drain, the Ingham County Drain Commissioner requires a written agreement between the City of Mason and First Properties Company insuring that Green Park Townhomes will properly maintain its private storm drainage system, bearing all expenses;

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council does hereby approve the Drainage Facilities Maintenance Agreement for the Green Park Townhomes development, and authorize the City Administrator to sign said agreement.

Yes: (7) Bruno, Clark, Coady, Johnson, Mulvany, Whipple, Naeyaert  
No: (0)

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City of Mason  
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

**UNFINISHED BUSINESS**

- Clark asked about the auto sales business on State Street. Colburn informed him that John Heckaman, part time [Building Inspector] for the Building/Zoning department, was meeting with the owner today.

Motion by Whipple, second by Bruno,  
That the City Council is taking the position, that subject to clearance by the Ingham County Health Department, to open the library. Furthermore, to direct the City Administrator to get estimates to upgrade the water management for the roof and the existing sump pump discharge as soon as possible, as well as purchase and set up two (2) humidifiers in the basement of the building.

MOTION APPROVED UNANIMOUSLY

- Bruno asked that a resolution be drafted to establish cost control measures for legal expenses by minimizing phone calls to the city attorney.

**NEW BUSINESS**

- Johnson informed Dean that he became aware of a request for a Special Use Permit for a mineral well in Vevary Township. He is concerned about the effect it could have on city wells.

**CORRESPONDENCE**

Distributed.

**LIAISON REPORTS**

No reports at this time.

**ADMINISTRATOR'S REPORT**

Colburn informed the Council on current city business.

**PEOPLE FROM THE FLOOR**

Steve Hubbard commented on the effects of mineral wells.

**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, Johnson, Mulvany, Whipple, Naeyaert

No (0)

**MOTION APPROVED UNANIMOUSLY**

The meeting adjourned to executive session at 10:30 p.m.

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Martin A. Colburn, City Clerk

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Robin C. Naeyaert, Mayor