

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 20, 2005**

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

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

Absent: Councilmember: None

Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director
Dennis McGinty, City Attorney
Joe Dean, DPW Director

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: JUNE 6, 2005

MOTION by Johnson, seconded by Naeyaert,
To approve the June 6, 2005 Minutes as corrected.
MOTION APPROVED UNANIMOUSLY

APPROVAL OF BILLS

MOTION by Whipple, seconded by Coady,
To approve the payment of bills in the amount of \$56,280.98 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Nancy Bujold, CADL Asst. Director and Library Development Director provided written responses regarding issues at the Mason Library that were discussed at the last Council meeting and recently in the media.

Ms. Walker of 595 Rolfe Road expressed her fondness for the Mason library building and her desire to have it opened again.

Elaine Ruckel of 872 Walker Road stated that she has worked in the Mason library building for more than 20 years. She stated that she would like a safe and clean environment to work in. She has had respiratory problems since last fall and has been better since the library's closing, May 12.

REGULAR BUSINESS

Presentation – Detroit Shock

Tamara Mires, Detroit Shock Basketball Team Representative, promoted a special package offered for the City of Mason Night featuring Mason resident Kristin Haynie in her first appearance as a WNBA player. Kristin and the Sacramento Monarchs take on Detroit Shock July 1 at the Palace of Auburn Hills.

Presentation – Tri-County Regional Planning – Phase II Storm Water Regulations

Dean introduced Environmental Programs Planner Christine Spitzley and Planning technician Dave Murray, representing Tri-County Growth. Dean gave a brief history of the Red Cedar Water Shed. Mr. Murray gave a brief presentation regarding storm water and mandated water shed planning. Christine Spitzley also spoke to storm water regulations.

Ordinance No. 94-10 - Amendment to the Zoning Map of the City of Mason (Rezone 558 N. Cedar Street from General Manufacturing (M2) to Highway Commercial (C2)

Colburn gave a brief history of the rezoning request for 558 N. Cedar Street form (M2) to (C2). Paul Vlahakis, NUCO, LLC. Representative, was present.

Ordinance No. 94-10 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
AMENDMENT TO ZONING MAP OF THE CITY OF MASON**

ORDINANCE NO. 94-10

June 20, 2005

THE CITY OF MASON ORDAINS:

SECTION 1. THE ZONING MAP OF THE CITY OF MASON ADOPTED BY SECTION 94-62 OF CHAPTER 94 OF THE MASON CITY CODE, BEING THE ZONING CODE OF THE CITY OF MASON, IS HERBY AMENDED AS FOLLOWS:

THAT PROPERTY LEGALLY DESCRIBED AS:

BEG AT CEN OF SEC 5 - S 665.41 FT - E 496.55 FT - NWLY ALONG RR R/W TO WE 1/4 LN - W TO POB SEC 5 T2N R1W CITY OF MASON 5.77 AC

TAX PARCEL NUMBER 33-19-10-05-401-001

and;

BEG AT PT 1453.1 FT N OF S 1/4 COR SEC 5 - N 47-20-00 W 535.68 FT ALNG CEDAR ST R/W - N 41-24-00 E 120 FT - N 47-20-00 W 60 FT - N 41-24-00 E 46.51 FT ALNG RR R/W - S 70-56-40 W 587.1 FT - N 47-20-00 W 111.63 FT - S 01-36-45-00 W 34.5 FT TO POB SEC 5 T2N R1W CITY OF MASON 9.17 AC M/L

TAX PARCEL NUMBER 33-19-10-05-401-002

be rezoned from M2/General Manufacturing to C2 Highway Commercial.

SECTION 2. The City Engineer is hereby directed to make the necessary corrections to the zoning district map evidencing this zoning change.

SECTION 3. Attached map evidencing this change shall be marked and designated as Amendment 94-10, and the City Clerk shall enter on the Official Zoning Map this amendment number and the date of adoption thereof, and shall maintain a file containing a copy of this ordinance and a map thereto attached.

SECTION 4. This ordinance shall become effective twenty days after its adoption, but

not before it is published in full.

The foregoing Amendment was introduced by Whipple, supported by Mulvany and declared adopted this 20th day of June, 2005, at a regular meeting of City Council held in the Mason City Council Chambers at 7:30P.M.with the vote thereon being:

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

No (0)

Martin A. Colburn, City Clerk

Robin C. Naeyaert, Mayor

ORDINANCE APPROVED UNANIMOUSLY

Reconsideration, Amendment, and Readoption of:

- **Resolution No. 2005-13 – A Resolution to Propose an Amendment to Sections 2.4 and 3.6 of the Charter of the City of Mason**
- **Resolution No. 2004-15 - A Resolution to Propose an Amendment to Section 4.3 and Section 5.6 of the Charter of the City of Mason**
- **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**

Mc Ginty stated that assistant attorney General George Elworth recommended adjustments to the statement of purpose in three of the eight charter amendments submitted for ballot language approval.

MOTION by Whipple, seconded by Clark,
To amend previously adopted Resolution Nos. 2005-13, 2005-15, and 2005-19.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2005-13 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL AMENDED 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.**

June 20, 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 – Elections - 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 November general 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 restates these sections to recognize the holding of the City's primary election in August of even-numbered years and the City's regular election in November of even-numbered years as previously established by amendment to section 3.5 of the Charter approved November 6, 1973.

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

NO (0)

ABSENT (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Mason City Council by a vote of not less than 3/5 of the City Council at its regular meeting on April 18, 2005, and amended by a 3/5 vote of the Council at its regular meeting on June 20, 2005, the original of which is part of the Council's minutes.

MARTIN A. COLBURN, City Clerk
City of Mason, Ingham County, MI

Drafted by and approved as to form:

Dennis E. McGinty (P17407)
Mason City Attorney
601 Abbott Road
East Lansing, MI 48823
(517) 351-0280
Resolution Approved Unanimously

Resolution No. 2005-15 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL AMENDED 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.**

June 20, 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 determine salaries for council members, to specify that the Mayor Pro Tem or 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 elected officials during their term of office?

YES _____

NO _____

STATEMENT OF PURPOSE

This amendment restates these sections to recognize that the salaries of the council are determined by the Local Officers Compensation Commission previously established by city ordinance adopted pursuant to MCL 117.5c.

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 (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
NO (0)
ABSENT (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Mason City Council by a vote of not less than 3/5 of the City Council at its regular meeting on April 18, 2005, and amended by a 3/5 vote of the Council at its regular meeting on June 20, 2005, the original of which is part of the Council's minutes.

MARTIN A. COLBURN, City Clerk
City of Mason, Ingham County, MI

Drafted by and approved as to form:

Dennis E. McGinty (P17407)
Mason City Attorney
601 Abbott Road
East Lansing, MI 48823
(517) 351-0280
Resolution Approved Unanimously

Resolution No. 2005-19 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL AMENDED 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 4.6a TO ESTABLISH THE OFFICE OF CITY ADMINISTRATOR BY CHARTER.

June 20, 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 wilful 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.

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 and to add Section 6.4a to Chapter 4 to establish the office of City Administrator by Charter, define the functions and duties for the office of City Administrator, and to restrict the authority of the City Council to appoint and 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, Chapter 6.7 of Chapter 6, and Sections 8.2 and 8.8 of Chapter 8 of the Mason City Charter be amended and Section 4.6a be added to Chapter 4 to read as follows:

Sec. 4.6. Administrative service.

The administrative officers of the City shall be the City Administrator Clerk, Treasurer, Assessor, Attorney, Chief of Police, Fire Chief, and Superintendent of Public Works, and, if the Council deems necessary, a 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 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. 4.6a. 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, and to add Section 4.6a 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 Sections 4.6, 5.2, 5.3, 6.7, 8.2 and 8.8 of the City Charter be amended and Section 4.6a be added to establish the office of city administrator and define its powers and duties?

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 as are currently described and established by ordinance pursuant to section 2-84 of the city code. It will further provide that all city administrative officers and employees, except the attorney, will be appointed and removed by the City Administrator without approval of the Council.

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

NO (0)

ABSENT (0)

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Mason City Council by a vote of not less than 3/5 of the City Council at its regular meeting on April 18, 2005, and amended by a 3/5 vote of the Council at its regular meeting on June 20, 2005, the original of which is part of the Council's minutes.

MARTIN A. COLBURN, City Clerk
City of Mason, Ingham County, MI

Drafted by and approved as to form:

Dennis E. McGinty (P17407)
Mason City Attorney
601 Abbott Road
East Lansing, MI 48823
(517) 351-0280
Resolution Approved Unanimously

Resolution No. 2005-32 – Resolution to Establish City Council Legal Expense Controls
Resolution No. 2005-32 was introduced by Whipple and seconded by Bruno.

**CITY COUNCIL RESOLUTION NO. 2005-32
June 20, 2005**

RESOLUTION TO ESTABLISH CITY COUNCIL LEGAL EXPENSE CONTROLS

Whereas, the City Council of Mason is seeking to contain legal expenses; and

Whereas, it is appropriate to establish policy and practices for City Council; and

Whereas, when Council Members seek a legal opinion, the procedure will be to contact the City Administrator first, to obtain input on a question, or make the City Administrator aware that the Council Member is utilizing legal services; and

Whereas, the City Administrator will assist the Council Member with the question, or be made aware of the expense of legal requests for cost control and tracking measures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council establishes policy and practice of notifying the City Administrator prior to making contact with the City Attorney. These efforts are to assist with acquiring necessary information or action from city staff on legal issues to control legal expenses.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
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 20, 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. 2005-33 – Designate Authorizing Signatories

Resolution No. 2005-33 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-33**

DESIGNATE AUTHORIZING SIGNATORIES

June 20, 2005

RESOLVED, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the City’s name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of the two following names: Martin A. Colburn, City Administrator; Kathy L. Revels, Finance Director/Treasurer, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by

the Clerk of the City of Mason.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
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 20, 2005, the original of which is part of the Council's minutes.

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

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2005-34 – Levy 1% Tax Administration Fee

Resolution No. 2005-34 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-34**

LEVY 1% TAX ADMINISTRATION FEE

June 20, 2005

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all county, school, intermediate school, state education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2005 tax rolls of the City of Mason;

FURTHER RESOLVED, that the City Treasurer is hereby authorized to collect 4% penalty on any taxes that remain unpaid from the July tax roll after August 31, 2005 and 3% penalty from the December tax roll after February 14, 2006.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
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 20, 2005, the original of which is part of the Council's minutes.

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

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2005-35 – Return Delinquent Water and Sewer Bills to the July 2005 Tax Roll

Resolution No. 2005-35 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-35**

RETURN DELINQUENT WATER AND SEWER BILLS TO THE JULY 2005 TAX ROLL

June 20, 2005

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Delinquent Water and Sewer Bills, to the July 2005 Tax Roll, pursuant to Mason City Code Section 82-251 (c).

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
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 20, 2005, the original of which is part of the Council's minutes.

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

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2005-36 – Return Miscellaneous Bills to the July 2005 Tax Roll
Resolution No. 2005-36 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-36**

RETURN MISCELLANEOUS BILLS TO THE JULY 2005 TAX ROLL

June 20, 2005

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Miscellaneous Bills, to the July 2005 Tax Roll.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple
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 20, 2005, the original of which is part of the Council's minutes.

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

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2005-37 – Amend the 2004-2005 Fiscal Year Budget
Resolution No. 2005-37 was introduced by Bruno and seconded by Clark.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-37**

AMEND THE 2004-2005 FISCAL YEAR BUDGET

June 20, 2005

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the 2004-2005 fiscal year Budget is hereby amended as per the attached "Exhibit A."

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

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 20, 2005, the original of which is part of the Council's minutes.

Martin Colburn, Clerk
City of Mason
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2005-38 – Approval of the Final Plat for Phase No. 5 of Riverwalk Meadows Subdivision

Resolution No. 2005-38 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-38**

**APPROVAL OF THE FINAL PLAT FOR
PHASE No. 6 Of RIVERWALK MEADOWS SUBDIVISION**

JUNE 20, 2005

WHEREAS, Pinehill Estates, LLC has submitted the final plat for Phase No. 6 of the Riverwalk Meadows Subdivision; and

WHEREAS, Phase No. 6 consists of ten (10) lots along Bubbling Spring Court, three (3) private parks, and the Hayhoe Riverwalk Linear Park that will become public; and

WHEREAS, the Mason Planning Commission did review and approve said final plat of Phase No. 6 at its regular meeting on February 15, 2005;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the final plat for Riverwalk Meadows Phase No. 6.

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

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 20, 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. 2005-39 – Indemnification Agreement for the Hayhoe Riverwalk in Riverwalk Meadows Phase No. 6

Resolution No. 2005-39 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-39**

**INDEMNIFICATION AGREEMENT FOR THE HAYHOE RIVERWALK
IN RIVERWALK MEADOWS PHASE No. 6**

JUNE 20, 2005

WHEREAS, a portion of the public linear park known as the Hayhoe Riverwalk will be constructed on property described in the final plat of Phase No. 6 of the Riverwalk Meadows Subdivision ; and

WHEREAS, the owner of the Riverwalk Meadows Subdivision, Pinehill Estates, LLC has requested that in exchange for the dedication of the property for the Hayhoe Riverwalk as a public park, that the City of Mason enter into an Indemnification Agreement with said owner and its successors; and

WHEREAS, the Indemnification Agreement has been reviewed and approved by the City attorney;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby authorize the Mayor and the City Administrator to sign the aforementioned agreement.

Yes: Bruno, Clark, Coady, Johnson, Mulvany, Whipple, Naeyaert

No:

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 20, 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. 2005-40 – Acceptance of Trillium Drive and Utilities Easements as Public Infrastructure

Resolution No. 2005-40 was introduced by Whipple and seconded by Mulvany

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-40**

**ACCEPTANCE OF TRILLIUM DRIVE AND UTILITIES EASEMENTS
AS PUBLIC INFRASTRUCTURE**

JUNE 20, 2005

WHEREAS, Trillium Drive, and drinking water, sanitary and storm sewer systems were constructed on private property now owned by T.A. Forsberg, Inc. within the district included in the 1984 PA 425 Agreement and subsequent Settlement Agreement and Stipulation of

Dismissal between the City of Mason and Vevay Township dated May 14, 1998, in Case No. 97-58216-C ; and

WHEREAS, T.A. Forsberg, Inc. has requested that the City accept Trillium Drive and the easements for the water, sanitary and storm sewer systems as public infrastructure; and

WHEREAS, the infrastructure has been constructed according to standards acceptable to the City of Mason; and

WHEREAS, the warranty deed and all easement documents have been reviewed and approved by the City's attorney and engineer;

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby accept Trillium Drive, and grant of easements and the assignment of easements for the aforementioned utilities as public infrastructure.

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 20, 2005 the original of which is part of the City Council minutes.

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

RESOLUTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

- ♦ Bruno commented that the library should be opened. It is the opinion of Mike Allen of ICHD that it may be opened. He suggested that because CADL refuses to occupy the building provided by the city, that deductions should be made in accordance with the services that have not been provided.
- ♦ Coady informed Council that the Farmer's Market will be held July 16 thru October along with Mason Live, the MACC sponsored concerts on the Court house Lawn.
- ♦ Colburn stated that the interview process for the Building Inspector's vacancy is completed and would soon be filled.

NEW BUSINESS

- ♦ Coady informed Council that this week is the Jimmy Carter Work Project for Habitat for Humanity and it is focused on Michigan this year.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

- ♦ Clark informed the Council regarding Planning Commission business.
- ♦ Coady informed the Council regarding the ad hoc Library Committee. The Friends of the Library raised half of the money necessary to conduct the local survey to determine

whether residents wanted the current library rehabilitated or would rather have a new library built. Although the survey will be conducted, due to the extreme media that has surrounded this issue it will be difficult to get an unbiased opinion. Unfortunately, the tremendous amount of work that was done in raising those funds in order to do an unbiased and independent survey has been put at risk. It was discussed that the dumb-waiter needs to be routinely checked for books that are dropped into the shaft by mischievous individuals. It had not been checked for some time, and wet moldy books were discovered during the city's remediation and assessment following the library closing May 12. It was discussed that a shield should be installed to prevent anything from being dropped into the shaft again.

ADMINISTRATOR'S REPORT

Colburn informed the Council on current city issues. Further discussion was held regarding the remediation and reopening of the library. Specifically, the opinion of Mike Allen of ICHD, that the library is free to be opened and never should have closed, and the view of CADL that the building is not safe to occupy.

PEOPLE FROM THE FLOOR

Lynne Lindsay of 305 W. Elm, Apt 2, stated that she attended the Council last meeting and has since been researching molds. She commended the integrity of City Council. She was dismayed by the news release on the CADL web site and through the media. She spoke with the consulting Doctor at Mold Free hired by CADL. She continues to research the issue to make an informed decision.

ADJOURNMENT

The meeting adjourned at 9:23 pm.

Martin A. Colburn, City Clerk

Robin C. Naeyaert, Mayor