

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 7, 2005**

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

Present: Councilmembers: Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple
Absent: Councilmember: Johnson
Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Dennis McGinty, City Attorney
Deborah Cwiertniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: October 17, 2005

The Minutes of October 17, 2005 were approved as submitted.

APPROVAL OF BILLS

MOTION by Whipple, second by Clark,
To approve the payment of bills in the amount of \$228,292.81 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

George Hayhoe, President of MACC (Mason Area Chamber of Commerce), thanked Council on behalf of the Board of Directors for their continued support of the Chamber's events and programs. He spoke briefly regarding 2005 projects.

PUBLIC HEARING

Application for an Industrial Facilities Exemption Certificate and Industrial Facilities Exemption Agreement with Efficiency Production Inc.

Naeyaert opened and closed the public hearing at 7:37 p.m. as there were no comments.

REGULAR BUSINESS

Resolution No. 2005-52 – Approval of Application for Industrial Facilities Exemption Certificate and Industrial Facilities Exemption Agreement with Efficiency Production Inc.

Applicant Ken Forsberg, President and owner of Efficiency Production Inc. spoke briefly regarding the new machinery and the competitive impact the investment will give the business. Discussion was held regarding the number of employed full-time employees at the Hull Road plant. Although the applicant reported 100 employees, the accurate number is 95; the agreement will be changed to reflect 95 employees. Further discussion was whether to reduce the twelve-year term.

MOTION by Bruno, second by Clark,
To change the twelve year tax exemption term to six years.
Yes (2) Bruno, Clark
No (4) Coady, Mulvany, Whipple, Naeyaert
Absent (1) Johnson
MOTION FAILED

Resolution No. 2005-52 was introduced by Whipple and seconded by Mulvany.

CITY OF MASON

CITY COUNCIL RESOLUTION NO. 2005-52

**APPROVAL OF APPLICATION FOR INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE
AND INDUSTRIAL FACILITIES EXEMPTION AGREEMENT WITH EFFICIENCY
PRODUCTION, INC.**

November 7, 2005

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

WHEREAS, Efficiency Production, Inc. ("EPI") has submitted an application to the City for tax abatement pursuant to Act 198, whereby property taxes would be abated or reduced on new industrial facilities to be acquired by the applicant consisting of machinery, equipment and fixtures of approximately \$459,483 as set forth in the applicant's application to the City Administrator dated October 11, 2005; and

WHEREAS, the City Council has adopted Council Resolution No. 92-37, after a public hearing on July 6, 1992, duly noticed by publication, to establish Industrial Development District No. 3 pursuant to Act 198 to encompass the land and territory within which the Applicant proposes to acquire and maintain the building, land improvements, machinery and equipment to be acquired by the Applicant; and

WHEREAS, the description of said property is:

A parcel of land in the SW ¼ of the NW ¼ of the NW1/4 of Section 16, T2N, R1W, Vevay Township, Ingham County, Michigan described as follows: Commencing at the W1.4 Cor of said Section 16; thence S89°53'41"E along the EW ¼ line of said Section 16 a distance of 1165.25 ft to the POB of this description; thence continuing S89°53'41"E along said ¼ line 758.51 ft to an iron found at the W'ly r.o.w. line of the Conrail RR; thence N07°08'4"W along said r.o.w. line 498.70 ft (record 498.67 ft) to a found iron; thence continuing along said r.o.w. line 157.14 ft on the arc of a curve to the left with a radius of 2861.25 ft, a central angle of 003°08'48" and a chord which bears N08°41'01"W 157.12 ft; thence N89°53'41"W 673.73 ft; thence S00°04'38"E 798.82 ft to the r.o.w. line of a drive; thence SE'LY 147.39 ft along the arc of a curve to the left with a radius of 75 ft, a central angle of 112°35'47", and a chord which bears S00°04'38"E 124.79 ft; thence S00°04'38"E 445.39 ft to the POB; containing 10.63 acres more or less.

WHEREAS, EPI wishes to install CNC Plasma cutting technology and support equipment to their facility on the property legally described above; the value of said personal property to be approximately \$459,483; and

WHEREAS, EPI seeks an Industrial Facilities Exemption Certificate on the personal property for a term of twelve (12) years, as described in its Application dated October 11, 2005; and

WHEREAS, the City Council met in public hearing on November 7, 2005, as heretofore resolved and noticed, for the purpose of considering approval of said application; and

WHEREAS, the City Council has afforded the applicant, the public, the Assessor, and all of the affected taxing units notice and an opportunity for all persons desiring to be heard, whether orally or in writing, with respect to the approval of an Industrial Facilities Exemption Certificate for the applicant; and

WHEREAS, the granting of an Industrial Facilities Exemption Certificate to EPI will not substantially impede the operations or financial soundness of the City of Mason; and

WHEREAS, the City Council has received and considered a proposed written agreement as required by Section 22 of Act 198 to be entered into between the City and EPI containing the requirements for approval and the terms and conditions under which the Industrial Exemption Facilities Agreement shall be issued and retained;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Mason finds and determines that the granting of the EPI Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under 1974 PA 198, shall not have the effect of substantially impeding the operation of the City of Mason, or impairing the financial soundness of a taxing unity which levies ad valorem property taxes in the City of Mason; and

BE IT HEREBY RESOLVED, that the application of EPI for an Industrial Facilities Exemption Certificate for personal property improvements is hereby approved for a period of twelve (12) years; and

RESOLVED FURTHER, the City of Mason and EPI shall enter into the written Agreement containing the requirement for approval and issuance of the Industrial Facilities Exemption Certificate and allowing for the revocation of the Certificate if conditions imposed by the City of Mason are not met.

Yes (4) Coady, Mulvany, Whipple, Naeyaert
No (2) Bruno, Clark
Absent (1) Johnson

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Mason City Council at its regular meeting held November 7, 2005, the original of which is a part of the Council's minutes.

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

RESOLUTION APPROVED

**2006 Sidewalk, Curb & Gutter and Driveway Special Assessment Resolution No.1,
Project No. 2006-1**

Special Assessment Resolution No. 1, Project No. 2006-1 was introduced by Mulvany and seconded by Whipple.

**CITY OF MASON
2006 SIDEWALK, CURB AND GUTTER, AND DRIVEWAY IMPROVEMENTS
SPECIAL ASSESSMENT RESOLUTION NO. 1
PROJECT NO. 2006-1
November 7, 2005**

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

The installation of sidewalks and related improvements, and/or the replacement of sidewalk, the installation of curb and gutter, the installation of concrete driveways between the sidewalk and curb, seeding, fertilizing, and mulching in the public right-of-way of the following properties and along and adjacent to the following streets: 126-128 Okemos, 525 Randolph, 601 Randolph, 621 Randolph, 703 Randolph, 202 N Mason, 332 Center, 308 Center, 320 Center, 314 Center, 124 N Mason, 339 Center, 321 Center, V/L Center (05-479-004), 125 N East, 809 W Ash, 801 W Ash, 755/757 W Ash, 104 S Lansing, 505 W Sycamore, 208 S Lansing, 216 S Lansing, 500 W Ash,

451 W Maple, 118 S Barnes, 222 E Columbia, 228 E Columbia; and

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

NOW THEREFORE BE IT RESOLVED, that

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

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

Resolution declared adopted.

Martin A. Colburn, City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified clerk of the City of Mason, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of the proceedings taken by the City Council at a regular meeting held on the 7th day of November, 2005.

IN WITNESS WHEREOF, I have hereunto affixed by official signature this 7th day of November, 2005.

Martin A. Colburn, City Clerk

RESOLUTION APPROVED UNANIMOUSLY

2006 Sidewalk, Curb & Gutter and Driveway Special Assessment Resolution No.2, Project No. 2006-1

Special Assessment Resolution No. 2, Project No. 2006-1 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
2006 SIDEWALK, CURB AND GUTTER AND DRIVEWAY IMPROVEMENTS SPECIAL
ASSESSMENT RESOLUTION NO. 2
PROJECT NO. 2006-1
November 7, 2005**

WHEREAS, the City Council has ordered plans and estimates of costs of certain sidewalk, curb

and gutter and driveway improvements described more specifically below, to be made; and

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

The installation of sidewalks and related improvements, and/or replacement of sidewalk, curb and gutter, the installation of concrete driveways between the sidewalk and curb, seeding, fertilizing, and mulching in the public right-of-way of the following properties and along and adjacent to the following streets: 126-128 Okemos, 525 Randolph, 601 Randolph, 621 Randolph, 703 Randolph, 202 N Mason, 332 Center, 308 Center, 320 Center, 314 Center, 124 N Mason, 339 Center, 321 Center, V/L Center (05-479-004), 125 N East, 809 W Ash, 801 W Ash, 755/757 W Ash, 104 S Lansing, 505 W Sycamore, 208 S Lansing, 216 S Lansing, 500 W Ash, 451 W Maple, 118 S Barnes, 222 E Columbia, 228 E Columbia;

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

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

NOW THEREFORE BE IT RESOLVED, that:

- 1) Upon completion, the plans showing the Project and location thereof, and the estimate of the cost thereof, shall be filed with the City Clerk and shall be available for public examination;
- 2) The City Council tentatively declares its intention to proceed with the Project as generally described above, and to defray all or a portion of the cost thereof by special assessments against the properties specially benefited thereby in the proposed sidewalk, curb and gutter and driveway improvement special assessment district;
- 3) There is hereby tentatively designated a special assessment district against which all or a portion of the costs of the Project are to be assessed, consisting of the lots and parcels of land described in **Exhibit A**, attached hereto and made a part hereof by reference;
- 4) The City Council shall meet at a regular meeting in the City Hall, 201 West Ash Street, Mason, Michigan 48854, on Monday, the 19th day of December, 2005 at 7:30 p.m., at which time and place the City Council will hear any objections to the Project and to the proposed special assessment district therefore;
- 5) The City Clerk is hereby ordered to cause notice of such hearing to be made to the owners of the lots and parcels of land described in **Exhibit A**, attached hereto and made a part hereof by reference, pursuant to Section 66 of the Mason Code and the provisions of the City Charter. Said notice shall be in substantially the following form:

NOTICE OF HEARING

**CITY OF MASON
INGHAM COUNTY, MICHIGAN**

**NOTICE OF PUBLIC HEARING ON THE
SPECIAL ASSESSMENT ROLL FOR THE
SIDEWALK, CURB AND GUTTER AND DRIVEWAY IMPROVEMENTS
SPECIAL ASSESSMENT PROJECT NO. 2006-1**

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN, the owners of the land described below within the Sidewalk Special Assessment District 2006-1, and any other interested persons:

PLEASE TAKE NOTICE that the City Council of the City of Mason, acting on its own initiative, proposes to make the following generally-described sidewalk improvements with respect to the proposed Sidewalk Improvement Special Assessment District-Project 2006-1:

The installation of sidewalks and related improvements, and/or replacement of sidewalk, curb and gutter, the installation of concrete driveways between the sidewalk and curb, seeding, fertilizing, and mulching in the public right-of-way of the following properties and along and adjacent to the following streets: 126-128 Okemos, 525 Randolph, 601 Randolph, 621 Randolph, 703 Randolph, 202 N Mason, 332 Center, 308 Center, 320 Center, 314 Center, 124 N Mason, 339 Center, 321 Center, V/L Center (05-479-004), 125 N East, 809 W Ash, 801 W Ash, 755/757 W Ash, 104 S Lansing, 505 W Sycamore, 208 S Lansing, 216 S Lansing, 500 W Ash, 451 W Maple, 118 S Barnes, 222 E Columbia, 228 E Columbia;

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

TAKE FURTHER NOTICE that the City Council will meet on Monday, the 19th day of December, 2005, at 7:30, p.m., in the City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of hearing any objections to the proposed sidewalk improvement project and the proposed special assessment district therefore.

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

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

Dated: November 7, 2005

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

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

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

Resolution declared adopted.

Martin A. Colburn, City Clerk

STATE OF MICHIGAN)

)ss

COUNTY OF INGHAM)

I, the undersigned, the duly qualified clerk of the City of Mason, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of the proceedings taken by the City Council at a regular meeting held on the 7th day of November, 2005.

IN WITNESS WHEREOF, I have hereunto affixed by official signature this 7th day of November, 2005.

Martin A. Colburn, City Clerk

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2005-53 – Resolution for ACH and Electronic Transactions

Resolution No. 2005-53 was introduced by Mulvany and seconded by Whipple.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-53
RESOLUTION FOR ACH AND ELECTRONIC TRANSACTIONS
November 7, 2005**

WHEREAS, on December 30, 2002, the Governor of the State of Michigan approved Public Act 738 of 2002 authorizing the use of electronic transactions by designated officers of the local government; and

WHEREAS, the Mason City Council deems that it is in the best interest of the City of Mason to make electronic transactions by using electronic transactions as described in the Act.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council authorizes the City to utilize electronic transactions in compliance with the written procedures and internal controls developed and adopted by the Finance Director/Treasurer as the City's ACH (Automated Clearing House) policy and presented to the City Council on November 7, 2005.

Yes (6) Bruno, Clark, Coady, Mulvany, Naeyaert, Whipple

No (0)

Absent (1) Johnson

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

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2005-54 – Resolution Accepting Streets for Green Park

Resolution No. 2005-54 was introduced by Whipple and seconded by Mulvany. Discussion ensued regarding the July 25, 2005 city engineer's letter of recommendation, which did not confirm that Orchard Lane has been constructed to city specifications.

MOTION by Whipple, second by Bruno,
To defer Resolution No. 2005-54 to the November 21, 2005 meeting.

Discussion ensued. Kenneth Beal, attorney for Green Park Town Homes, stated concern regarding tax credits that require acceptance of the street to be in accordance with the PILOT (Payment In Lieu of Taxes) and tax credit reporting. It was discussed that deferring this issue to November 21 would not negatively impact their position.

VOTE:

Yes (3) Bruno, Whipple, Naeyaert

No (3) Clark, Coady, Mulvany

Absent (1) Johnson
MOTION FAILED

MOTION by Mulvany, second by Coady,
To amend Resolution No. 2005-54 by adding the following language to the *now therefore* clause: ...and authorize the City Administrator to execute the Financial Guarantee Agreement subject to the city administrator's receipt of written certification by the city engineer that all public improvements have been completed according to city specifications, with exception of the three (3) driveway approaches covered by the Financial Guarantee Agreement.

Further discussion ensued maintaining that a letter of confirmation must be submitted to Council to allow acceptance of a street.

VOTE:
Yes (1) Mulvany
No (5) Bruno, Clark, Coady, Whipple, Naeyaert
Absent (1) Johnson
MOTION FAILED

MOTION by Coady, second by Bruno,
To defer Resolution No. 2005-54 to the November 21, 2005 meeting.
Yes (5) Bruno, Clark, Coady, Whipple, Naeyaert
No (1) Mulvany
Absent (1) Johnson
MOTION APPROVED

Resolution No. 2005-55 – Resolution To Proceed – Removal of Structure Located at 502 Park Street

Resolution No. 2005-55 was introduced by Whipple and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-55
RESOLUTION TO PROCEED - REMOVAL OF STRUCTURE
LOCATED AT 502 PARK STREET
November 7, 2005**

WHEREAS, the City of Mason purchased the property at 502 Park Street; and

WHEREAS, the City of Mason had an Environmental Site Assessment Review, including asbestos, completed on this structure; and

WHEREAS, the structure on the site is not usable in its current condition and it is in the best interest of the City to remove it; and

WHEREAS, bids were advertised, publicly opened and read aloud Tuesday, October 17, 2005.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council awards the bid for the demolition and removal of the structure located at 502 Park Street to Sherrell's Excavating, Inc. for \$14,900.

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

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

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2005-56 – City Officer Appointment – Zoning & Development Director

Mr. David Haywood introduced himself and spoke briefly of his professional experience.

Resolution No. 2005-56 was introduced by Bruno and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2005-56**

**RESOLUTION OF CITY OFFICER APPOINTMENT FOR
ZONING & DEVELOPMENT DIRECTOR**

November 7, 2005

WHEREAS, in accordance with section 4.6 of the Charter of the City of Mason, Michigan, adopted June 26, 1951, the office of City Administrator was created by the City Council pursuant to section 2-81 of the Mason City Code; and

WHEREAS, in accordance with section 2-84(1) of the City Code and section 4.6 of the Charter the City Administrator shall recommend to the City Council the appointment of certain administrative officers of the city subject to confirmation by the City Council; and

WHEREAS, the Zoning and Development Director has been established as a city administrative officer pursuant to section 2-141 of the City Code; and

WHEREAS, it is the recommendation of the City Administrator to appoint David Haywood to fill the vacant Zoning and Development Director position.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason does hereby confirm the appointment of David Haywood to the administrative office of Zoning and Development Director, and does hereby charge David Haywood with performing the duties and responsibilities of said office.

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

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

RESOLUTION APPROVED UNANIMOUSLY

Motion – Lease of Parking Spot in the Park Street Municipal Parking Lot

Colburn explained that Mr. Sheele, owner of The Mason Jar Pub and Grub located at 160 W.

Maple Street, is requesting to lease one parking space from the Park Street municipal parking lot. Currently, his dumpster is in the alley behind the building located next to his. Mr. Sheele is unable place the dumpster behind his building due to limited space and overhead wires. The new owner of 174 W, Maple Street is planning to landscape the backside of his building and wants the dumpster moved. Colburn stated that although current policy designates downtown parking spots for loft apartment residents, it would provide a practical and serviceable location for the receptacle, as well as revenue for the City.

Motion by Bruno, second by Coady,
To authorize city administrator to enter into a Lease Agreement with Ron Sheele, owner of Mason Jar Pub & Grub, for one parking space in the Park Street municipal parking lot.

Mr. Sheele spoke briefly regarding his request.

MOTION by Coady, second by Mulvany,
To amend the main motion to have the city attorney review the Lease Agreement.
AMENDMENT APPROVED UNANIMOUSLY

It was discussed that Council is the authoritative entity for approving leases and that no action should be taken at this time. The DDA will be requested to devise a policy for dumpsters located in alleys and present a recommendation to Council.

VOTE on the main motion:
Yes (0)
No (6) Bruno, Clark, Coady, Mulvany, Whipple, Naeyaert
Absent (1) Johnson
MOTION FAILED

Motion – Request for Excused Absence – Council Member Johnson

Motion by Whipple, second by Coady,
To excuse Council Member Johnson from the November 7, 2005 meeting.
MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Clark questioned the quality of sound reception of the rebroadcast meetings. Colburn stated that quality tests have been done and have proven that broadcast reception is good. Residents having difficulty need to set their televisions on mono reception rather than stereo. If reception continues to be poor, the outside cables may need to be checked for damage from animals.

NEW BUSINESS

Coady thanked the Department of Public Works for their quick action on Sunday following strong winds.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

None at this time.

ADMINISTRATOR'S REPORT

Colburn informed the Council on current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 9:51 p.m.

Martin A. Colburn, City Clerk

Robin C. Naeyaert, Mayor