



AGENDA - CITY COUNCIL MEETING

April 9, 2018, 2018

Mason City Hall, Council Chambers, 7:30 p.m.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE AND INVOCATION**
- 4. PEOPLE FROM THE FLOOR**
- 5. CONSENT CALENDAR**
 - A. Approve Minutes: Regular Council Meeting March 26, 2018
 - B. Approve Minutes: Closed Session March 12, 2018 (to be provided at meeting)
 - C. Approve Bills in the Amount of \$ 78,453.47
 - D. Approve Closure of Four Parking Spaces on Jefferson Street for the Mason Area Chamber of Commerce (MACC) Thursday Night Live! Concerts on May 24, June 7 and 21, July 5 and 19, August 9, 23, and 30 (rain date) and September 13
 - E. Correspondence: Receipt of City Attorney's Report Dated April 6, 2018:
- 6. UNFINISHED BUSINESS**
 - A. Second Reading and Adoption of Ordinance No. 216 Amending Solid Waste Section 62-35(c)(2) Points of Collection
- 7. NEW BUSINESS**
- 8. COUNCILMEMBER'S REPORTS**
- 9. ADMINISTRATOR'S REPORT** (to be provided at meeting)
- 10. CLOSED SESSION**
 - A. Adjourn to Closed Session to Discuss Purchase of Real Property
 - B. Reconvene as Open Meeting
- 11. ADJOURNMENT**

**Mason City Council Workshop on Councilmember Conduct
City Council Chambers
Immediately Following Regular Meeting**

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 26, 2018**

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

Present: Councilmembers: Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple
Absent: None
Also present: Deborah S. Stuart, City Administrator, Sarah J. Jarvis, City Clerk

PUBLIC COMMENT

Andrew Rable, Executive Director of Student Support Services at the Ingham County Intermediate School District, was present to answer questions and promote the Heart of Fun 5K Run/Walk/Roll Event, that he thought was going to be on tonight's agenda. City Administrator Stuart explained that yes it was originally on the agenda but was removed as it only required administrative approval and that the event had been approved.

Jeffrey Hatfield of 964 Franklin Farms expressed concerns over a bill he received for mowing that took place at a common area in his neighborhood. He expressed that there was nothing on his purchase paperwork that showed that he had joint ownership in any common property. City Administrator Stuart explained that "Yes, there will be bills sent out to the homeowners in that development." Contact was initially made with the developer who said there was no homeowner's association for the development so all homeowners should be billed individually. Stuart explained that this matter has been sent on to the City Attorney for review.

CONSENT CALENDAR

MOTION by Droscha, second by Vogel,
to approve the Consent Calendar as printed with the amendment of removing Item B.

- A. Approve Minutes: Regular Council Meeting March 12, 2018
- C. Financial Reports:
 - 1. Approve Bills in the Amount of \$58,770.61
 - 2. Approve Revenue Expenditure Report for February 28, 2018
- D. Approve Use of Right-of-Way from 3:30 p.m. to 10:00 p.m. for the Commercial Bank Mason 5K Run/Walk on May 4, 2018
- E. Correspondence Receipt of:
 - 1. Capital Improvement Plan Approved March 13, 2018 by Planning Commission
 - 2. Receipt of City Attorney's Report Dated March 21, 2018
 - 3. Receipt of Letter to County Commission Endorsing Appointment of Sally Trout to Capital Area District Libraries (CADL) Board

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None

NEW BUSINESS

Ordinance 216 – Introduction and First Reading of Ordinance 216 Amending Solid Waste Section 62-35(c)(2) Points of Collection

MOTION by Brown, second by Droscha,
Introduce and Read for the first time Ordinance 216 to Amend Solid Waste Section 62-35(c)(2) Point of Collection.

Yes (7) Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple
No (0)
Absent (0)

MOTION APPROVED

COUNCILMEMBER REPORT

- Mayor Whipple expressed that in future with community development plans that we do approve common areas as it seems that these areas always revert back to City eventually for upkeep.
- Ferris reported that Arbor Day will be April 27, 2018 at noon with location yet to be determined.
- Ferris reported that the Community Good Friday service will be taking place at 7:00 p.m. at the Methodist Church.
- Ferris reported that there will be an Open House for the new proposed hotel on Saturday, April 7, 2018, from 9:30 a.m. – 11:30 a.m. and on Tuesday April 10, 2018 from 4:00 p.m. – 6:00 p.m. before the Planning Commission Meeting at 6:30 p.m.
- Waltz asked for an update on the Channel 21 feed as to why it doesn't always seem to work.
- Ferris thanked Doug Klein for volunteering to keep the Channel 21 feed up-to-date.
- Vogel inquired regarding the status of the tower leases.

ADMINISTRATOR'S REPORT

Stuart wanted to highlight the upcoming hotel Public Hearing for a Special User Use Permit and Preliminary Site Plan review on Tuesday, April 10, 2018.

ADJOURN

The meeting adjourned at 7:49 p.m.

Sarah J. Jarvis, City Clerk

INVOICE APPROVAL BY INVOICE REPORT FOR CITY OF MASON
 INVOICE ENTRY DATES 03/28/2018 - 04/11/2018
 BOTH JOURNALIZED AND UNJOURNALIZED
 BOTH OPEN AND PAID
 COUNCIL APPROVAL REPORT
 APRIL 9, 2018

Vendor Code Invoice GL Number	Vendor Name Invoice Description GL Description	Amount
06474	CONSUMERS ENERGY	
APRIL 18	ELECTRIC 2/21-3/21/18	
101-265.00-920.000	ELECTRIC 2/21-3/21/18	6,362.44
592-555.00-920.000	ELECTRIC 2/23-3/23/18	10,644.33
		<u>17,006.77</u>
	VENDOR TOTAL:	17,006.77
05016	GRANGER	
MARCH 18	MARCH REFUSE CHARGE 2344 CUSTOMERS	
101-528.00-818.000	MARCH REFUSE CHARGE 2344 CUSTOMERS	29,675.04
	VENDOR TOTAL:	29,675.04
06004	HSC SERVICES INC	
13268	MARCH ASSESSING & ASSESSMENT NOTICES/PRINTING	
101-209.00-818.000	2018 ASSESSING MAINT - MARCH 18	4,250.00
101-209.00-818.000	ASSESSMENT NOTICES/PRINTING	1,718.21
		5,968.21
	VENDOR TOTAL:	5,968.21
05887	INGHAM COUNTY	
201714	ADMIN FEE JULY/DEC 2017, CIP FUND, WORK ORDERS	
101-305.00-818.000	ADMIN FEE JULY/DEC 2017 - 23 NETWORK CHA	9,453.00
101-305.00-970.013	CIP FUND JULY/DEC 2017 - 23 PC'S	2,500.00
101-316.00-818.000	JULY/DEC 2017 WORK ORDERS	350.43
		<u>12,303.43</u>
	VENDOR TOTAL:	12,303.43
05242	MICHIGAN STATE OF	
2017-5225 MASON 2	JEFFERSON, ROYCE TO HOWELL PROGRAM 130432CON	
202-451.00-970.211	JEFFERSON, ROYCE TO HOWELL	13,500.02
	VENDOR TOTAL:	13,500.02
	TOTAL - ALL VENDORS:	<u><u>78,453.47</u></u>

I hereby certify that I have reviewed the above bills and expenditures and to the best of my knowledge and belief, they cover expenditures of the City services and materials and are within current budget appropriations.

 Deborah Stuart
 City Administrator



Agenda Report: April 9, 2018 City Council Meeting

AGENDA ITEM: 5D

Approve Closure of Four Parking Spaces on Jefferson Street for the Mason Area Chamber of Commerce (MACC) Thursday Night Live! Concerts on May 24, June 7 and 21, July 5 and 19, August 9, 23, and 30 (rain date) and September 13

RECOMMENDED ACTION

Approve Closure of Four Parking Spaces on Jefferson Street for the Mason Area Chamber of Commerce (MACC) Thursday Night Live! Concerts on May 24, June 7 and 21, July 5 and 19, August 9, 23, and 30 (rain date) and September 13

HISTORY

MACC has submitted a Special Events Application for their Thursday Night Live! Concerts on May 24, June 7 and 21, July 5 and 19, August 9, 23, and 30 (rain date) and September 13. No street closures are requested - the event takes place on the Courthouse Square. Bands will set up in front of the flag pole, the MACC will have a booth on the grass on Jefferson, and the Optimists will have a food booth on Jefferson with their own food license. The request is specifically to close four parking spaces for the event.

Staff reviewed the application and has no objection to the requested parking closures. There are no anticipated costs for City staff. The applicant has been informed that a building permit is required for temporary structures, including any and all tents and canopies, prior to commencement of the event and occupancy.

SUMMARY

Authority: 94-192 (6) a. Any temporary use of public streets or public property shall be permitted only by the prior approval of the City Council.

Urgency: Need approval as quickly as possible to properly plan and market the event.

Relation to Other Actions: This action will be the only one necessary.

FISCAL IMPACT

Current Budget: None

Future Budgets: None

ADDITIONAL MATERIAL

None

MEMORANDUM

TO: Mason City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: April 6, 2018

The following is my report to the City Council on issues in which our office has been engaged:

1. **Esquire Development v City of Mason (Michigan Tax Tribunal/Court of Appeals)**. On Wednesday, April 4, 2018, Esquire Development & Construction, Inc. filed its claim of appeal with the Michigan Court of Appeals. I will be filing my appearance and will keep the Council apprized as to the progress of this appeal. These appeals normally take approximately 18 months, although it may be shorter as the transcript for the Tax Tribunal proceeding has already been prepared.

I also want to advise City Council that I have researched the issue of trying to obtain our attorney fees for the protracted litigation before the Tax Tribunal, and I have, unfortunately, concluded that we would not prevail on such a motion. As the Council may be aware, it does appear that there were certain errors made back in tax years 2004 through 2006 as it relates to the allocation of improvements to various parcels. My review of those errors indicates that it was essentially caused by the disorganization in the development of this project by Esquire Development. As the Tax Tribunal found, however, those errors were not material or relevant to the current valuations, because the parties came to a settlement for years 2009 through 2012. The settlement had the effect of purging the errors. Because Esquire Development initially alleged that there were errors, it is my opinion that it made a colorable claim for relief, and the City could not, therefore, demonstrate that the tax appeal was completely without merit.

Having said that, however, the Tax Tribunal's opinion demonstrates that there is no continuing error and that there is no basis for making an allegation of a continuing error. I will be sending a letter to Esquire Development advising them that the City believes the maintenance of this appeal is vexatious, and we will be seeking our costs, including our attorney fees in defending this appeal.

2. **Vevay Township v City of Mason**. We are in the process of preparing discovery in preparation for filing our motions for summary disposition. Discovery is scheduled to close at the end of August.

3. **Easements**. The City is in the process of preparing the final documents for the easement necessary to proceed with the Klavon's development. The grantor will be S & Sues Dry Cleaners, instead of Vision Village. I am also working on the School Board easement for the well.

4. **March District Court Statistics**. We had 16 pre-trials and no juries were selected. We presently have one participating in the Retail Fraud Program, with one invitation to participate. There are currently four participating in the Marijuana Diversion Program, and two participating in the Minors in Possession Program.

TMH:ddy



Agenda Report: April 9, 2018 City Council Meeting

AGENDA ITEM: 6A

Ordinance No. 216 – Second Reading and Adoption of Ordinance No. 216 Amending Solid Waste Section 62-35(c)(2) Points of Collection

RECOMMENDED ACTION

Second Reading and Adoption of Ordinance No. 216

HISTORY

At its June 19, 2017, meeting the Council moved to authorize the City Administrator and Mayor to execute a Contract Extension with Granger Waste Services, Inc., to be the Designated City Refuse Hauler until June 30, 2026. As part of that contract, Granger would be shifting to one-person manned trucks to reduce costs.

Also at the June 19 meeting, Council amended Ordinance No. 210 Chapter 62, Solid Waste, Subsection 63-35, Precollection Practices of the Code of the City of Mason. Included in this amendment was a change to Section 62-35(c)(2) in which the time refuse containers could be placed for collection was changed from “5:00 pm of the day preceding the day of collection, nor later than 8:00 am the day of collection.”

However, the request should have also included an amendment to the latest time to put out the refuse. In the last few months, Granger has begun using a new truck which requires an earlier start so the Ordinance needs to be changed to address the issue and meet the requirements of the contract. The proposed ordinance will address these concerns.

Ordinance No. 216 was introduced and read for the first time at the March 26, 2018 meeting with a minor modification reflected in the proposed ordinance.

SUMMARY

Authority: Mason Charter Sec. 7.4 (Related Excerpt):

- (1) ordinances may be enacted, amended, or repealed by the affirmative vote of not less than four Councilmen,
- (2) no ordinance shall be finally enacted by the Council until after publication of the proceedings, or summary thereof, of the meeting at which it was introduced, and
- (3) the effective date of all ordinances shall be prescribed therein, but the effective date shall not be earlier than twenty days after the enactment nor before publication thereof.

Urgency: This ordinance will address confusion by some of our residents and the new time that is required for Granger to meet the terms of their agreement.

Relation to Other Actions: No other action will be required by City Council to facilitate this item.

FISCAL IMPACT

Current Budget: None.

Future Budgets: None.

ADDITIONAL MATERIAL

Ordinance No. 216

Introduced: March 26, 2018
First Reading: March 26, 2018
Second Reading: _____
Adopted: _____
Effective: _____

**CITY OF MASON
ORDINANCE NO. 216**

AN ORDINANCE AMENDING SECTION 62-35 PRECOLLECTION PRACTICES

THE CITY OF MASON ORDAINS:

Section 62-35, Part II of Chapter 62 of the Code of the City of Mason is hereby amended to read as follows:

Sec. 62-35. Precollection practices.

(a) *Preparation of refuse.* All refuse shall be prepared as required by the city's designated licensed refuse hauler.

(b) *Refuse containers.* Refuse containers shall be provided by the city's designated licensed refuse hauler for residential properties with four dwellings or less. Refuse containers shall be maintained in good condition; and any container that does not conform to the provisions of this article, or that may have ragged or chipped edges or any other defect liable to hamper or injure the person collecting the contents, shall be promptly replaced upon notice. The licensed hauler selected by the city shall have authority to refuse collection service for failure to comply with this section, after giving notice to the director of public works. All refuse containers shall be of substantial material and equipped with suitable handles and covers and shall be watertight. All such containers shall be kept in a clean, neat and sanitary condition at all times.

(c) *Points of collection.* In all areas of the city not served by public alleys, refuse containers shall be placed for collection at ground level between the front curb and the sidewalk of dwelling units, and where there is no curb or sidewalk, the front property line of the dwelling unit.

(1) Refuse containers shall not be placed on the traveled portion of the street or highway so as to interfere with vehicular or pedestrian traffic.

(2) The occupant or person in control of the premises shall not place any refuse containers for collection before 5:00 p.m. of the day preceding the day of collection, nor later than 7:00 a.m. the day of collection, and the empty containers shall be removed by 9:00 p.m. on the day of collection, such collection days to be determined by the director.