

**CITY OF MASON  
COUNCIL MEETING  
FEBRUARY 26, 2007**

Mayor Pelfrey called the meeting to order at 7:03 p.m. Those in attendance recited the pledge of allegiance

**ATTENDANCE**

The following members of Council were present: Victor Kidd, Steve Osborne, Tony Bradburn, Matt Kline, Todd Wurzbacher, Tom Grossmann and Charlene Pelfrey.

**PROCLAMATION FOR ROSIE'S BEAUTY SHOP 50<sup>TH</sup> ANNIVERSARY**

Mayor Pelfrey read and presented a proclamation to Rosemary Bradenburg in recognition of their 50<sup>th</sup> anniversary.

**PROCLAMATION TO BETTY DAVIS DECLARING MARCH AS MRDD AWARENESS MONTH**

Mayor Pelfrey read and presented a proclamation to Betty Davis, founder of Community Concepts, declaring March as MRDD Awareness Month

**RECOGNITION OF STEVE GAYFIELD FOR MASON COMMUNITY CENTER**

Steve Gayfield, Facility Manager for the Mason Community Center, reported to Council the steps taken in 2006 to meet the goals and mission of the City of Mason Community Center. He stated this included a complete review of the programs offered, the potential growth areas and the self-supporting objectives. As a result in 2006 the center was 97% self-supporting. Councilmembers Osborne and Wurzbacher noted it was through the diligent efforts of Steve and his staff such a large step has been taken to meeting the goal of reducing the financial support from the City's general fund.

**PRESENTATION BY JOHN BURKE OF THE WARREN COUNTY DRUG TASK FORCE**

John Burke addressed Council and discussed the successes the Task Force has had in 2006. He noted they work very closely with the DARE program and the local Police Forces. He requested the same financial contribution as the City contributed last year.

**ORDINANCE 2007-27 AUTHORIZING A CONTRIBUTION OF \$22,016 TO THE WARREN COUNTY DRUG TASK FORCE**

A motion to read by title only was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: ALL YEAS

Richard Fair explained to Council, the City of Mason has participated in the Warren County Drug Task Force since its inception. In 2000, the Drug Task Force advisory board asked all municipalities to consider an increase in their membership fees based upon one dollar for each resident in the respective jurisdictions. Richard stated in 2000 and 2001, the City of Mason contributed \$21,097 annually based on population figures from 1999. In 2003, the contribution was \$10,000 and in 2004, 2005, and 2006 it was \$22,016. This year the Task Force is requesting fees based on population from the 2000 census which totals \$22,016.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-27 was made by Councilmember Wurzbacher, seconded by Councilmember Osborne. VOTE: ALL YEAS

### **RECOGNITION OF VISITORS**

Tom Anderson of Crooked Tree Drive addressed Council and commented on the last Council meeting when term limits was discussed. He said it was unconstitutional for Council to vote on the matter as it should be presented on the ballot by petition. He referred to the Charter section 11.03 for any future changes to the Charter. Ken Schneider replied term limits exist today thus there is a different structure in place than in the past. He said it is now tied to the previous years of service. He also stated Council is following the Charter. They have the independent right to place a change to the charter on the ballot. He suggested Mr. Anderson is misinterpreting the law.

Tom Muennich of Short Street addressed Council and stated he is experiencing a problem with his basement flooding numerous times and would like to know when Council is going to fix the storm sewer problem on Short Street. He said water is entering the basement at a rate of 640 gallons per hour. He added it is coming from the walls and then from the drain. He also said he has installed a one-way valve. Richard Fair stated as he understands it as he has not seen a report on the incident, the problem is the basement drain and the storm sewer is tied together. He said this is no longer allowed. He stated there are over 20 taps in this area and the sewer is being overwhelmed. Richard also said a solution is to separate the basement drain and the storm sewer. He said the City is in the process of redesigning the storm sewer in this area and it is planned for 2008.

### **EXECUTIVE SESSION**

A motion to adjourn into executive session for the purpose of discussing potential litigation was made by Councilmember Wurzbacher, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

A motion to reconvene into regular session was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS  
TIME:  
7:52 p.m.

**ORDINANCE 2007-12 AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF MASON, OHIO, TO INCLUDE AREAS ADJACENT TO THE CITY LIMITS**

A motion to read by title only was made by Councilmember Kidd, seconded by Councilmember Wurzbacher.

Brian Lazor explained to Council the Mason Comprehensive Plan was first implemented in 1963 and then revised in 1982, 1986, 1992 and 1994. In early 2005 the plan was amended to add areas adjacent to the southern and northeastern portions of the City. Brian said the last major amendment to the plan was in 2001. The 2004 City of Lebanon Comprehensive Plan and the Warren County 2020 Plan were used as guides to help determine future plans in the general area of the project.

He explained the area in this proposed amendment is generally bounded by: Mason-Montgomery Road to the west; Hamilton Road to the north; the City of Lebanon to the east; and the City of Mason to the south. The area includes the future Kathleen Bevan Castle Park.

The Comprehensive Plan defines guidelines for considering land use decisions, current and future planning, locating proposed developments, and to improve vehicle movement throughout the City. The Comprehensive Plan is consulted each time a rezoning or development request comes before the City. Brian concluded by stating the Planning Commission has recommended approval of the Comprehensive Plan Amendment.

Mayor Pelfrey opened the public hearing at 7:54 p.m. There were no comments either for or against this legislation. The public hearing was closed at 7:55 p.m.

A motion to adopt Ordinance 2007-12 was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

**ORDINANCE 2007-25 SUBMITTING TO THE ELECTORS OF THE CITY OF MASON, OHIO, AN AMENDMENT TO CHARTER SECTION 10.04 REGARDING INCOME TAX CREDIT**

A motion to read by title only was made by Councilmember Kidd, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

Law Director, Ken Schneider, read the following statement: The Constitution sets out the approval process for a Charter Amendment. It provides that a Charter Amendment must be adopted by the City Council between 60 and 120 days of the time of the election. Ordinance No. 2007-25, is on the agenda for a second reading. Since it is more than 120 days to the November election, it cannot be adopted at this time. If, in fact, it were to be adopted, the City would need to call for a special election prior to the November election. The full cost of the election would be borne by the City. Thus, I recommend to Council that Ordinance No. 2007-25 be given its second reading and that the motion be made to adopt and then the Council defeat that motion.

Vice Mayor Grossmann moved to table the ordinance until the second meeting in July 2007. Councilmember Wurzbacher seconded the motion. VOTE: 6 YEAS, 1 NAY (Kline)

**ORDINANCE 2007-26 SUBMITTING TO THE ELECTORS OF THE CITY OF MASON, OHIO AN AMENDMENT TO CHARTER SECTION 10.04 REGARDING INCOME TAX CREDIT AND DECLARING AN EMERGENCY**

A motion to read by title only was made by Councilmember Kidd, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

Ken Schneider stated this ordinance must be adopted by March 9, 2007 to be placed on the May ballot.

A motion to suspend the rule and allow for adoption after the first reading was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 NAY (Kline)

Tom Muennich of 206 Short Street addressed Council and said he would like for the City to consider assisting those residents with a fixed income over age 65. He also asked how Council can vote on this since they would benefit from it. Ken Schneider stated unless Council benefits from this more than the normal public, they could vote on it.

Rick Inskeep of Butler Warren Road addressed Council and distributed copies of the constitution and legal opinions relating to this matter. He stated if Council proceeds with this legislation, recall petitions would be circulated. He said Council does not have the authority of placing this on the ballot without a petition.

Tom Lewis of Harnesswood Court addressed Council and stated Council must be certain of the impact this will have before they place it on the ballot. He said residents assume the Council of this City is doing a good job and has made this a desirable place to live and raise a family. He then said if Council places this on the ballot, residents will assume they have researched it and it will not negatively impact the community. He also said this will be irrevocable and a mistake should not be made on this matter. He stated he moved to Mason and was aware of the City's tax and still chose to live here. He added it makes all residents stake holders. He concluded that Council should create a plan for build out and then calculate how we are going to get there.

John Harris, Dave Moushey and Mike Miller representing the Chamber of Northeast Cincinnati addressed Council and John Harris stated they are an advocate for businesses and are concerned about the creation of an admissions tax. Mayor Pelfrey stated that is a separate issue from the income tax credit under discussion. She said they are totally independent and noted an admissions tax has not been discussed by full Council. She said it is in Finance Committee and they have made no presentation to Council with any recommendations. John Harris asked to be included on any future meeting on the admissions tax.

Dick Yost of Mason Montgomery Road addressed Council and stated he is not affected by the income tax credit personally but he believes it is a fair tax and everyone should support where they live.

Jay Bennett of Bluegrass Way addressed Council and said the debate should be done after it is placed on the ballot. He added it is the democratic process to allow people to vote on this issue.

Jeff Fawn of Maxwell Drive addressed Council and said he supports local businesses and wants to spend his money as he sees fit. He said there is nothing wrong with taking this matter to the voters. He added if Councilmembers are impacted personally by this matter, he does not feel they should vote on it. He said the City revenues have gone up substantially and over 70% of cities give a full credit.

Linda Prince of White Blossom Boulevard addressed Council and said until they moved to Mason, they have never paid taxes both where they work and live. She said the current practice is fundamentally unfair and the voters should decide the matter.

Dieter Moeller of Ross Lane addressed Council and stated the residents that are being treated unfairly are the ones that work outside the city. He said he has a business in Blue Ash and the current tax situation is unfair. He also said reciprocity is fair and voters should be given the choice.

Pete Beck of 7234 Abilene Trail addressed Council and stated he is in favor of a full credit. He said many other cities are not in the same position as Mason. He said we need to lower taxes and expenses. He concluded by stating let the voters decide.

Vice Mayor Grossmann stated Council is following the proper procedure for this legislation. He stated if this ordinance fails he would pursue circulating a petition to place it on the ballot. He said the issue is fairness and residents should not be taxed by two cities. He added Mason has changed since this tax was implemented. He stated a graduation of credit is proposed so the City can adjust to the impact. He added people want to spend their money the way they determine, not through taxes. Councilmember Osborne described his presentation as a factual review of the facts and figures not stating which position he will take. He presented charts using the overhead screen to provide data on the impact financially this would have on the City's general fund of approximately 2.2 million dollars. He also displayed a list of cities that give a full credit and those that do not. He included information supporting this is not a tax credit for the rich and stated Mason's revenue in income tax has been increasing by 12% over the last five years. He also addressed the capital improvement list and the City's current indebtedness. He concluded by stating this is an issue for a full ballot not a primary election. Councilmember Bradburn stated he has no problem with this going on the May ballot. He said school issues will be on that ballot and the voters will turn out. He said we must trust the voters. Councilmember Wurzbacher stated he favors a tax credit and the residents of Mason have voted to increase school levies, which increases their taxes. He added residents are smart and should be allowed to vote on the matter. Councilmember Kidd stated the question is, will residents do their homework on this issue. He added a Charter change is very important. This is a confusing issue and should be dealt with at the November election with a larger number of voters. Vice Mayor Grossmann said he doubted there would be a big difference on voters between the May and November elections. He added on the May ballot there will be a school issue and judge race and maybe this issue. He said voter interest would be high. He added if this legislation fails, an initiative petition will be circulated and Council's voice will be taken out of the discussion.

A motion to adopt Ordinance 2007-26 was made by Vice Mayor Grossmann, seconded by Councilmember Kidd. VOTE: 4 YEAS, 3 NAYS (Kidd, Osborne, Kline)

The Law Director, Ken Schneider, stated the ordinance requires five votes to pass therefore the ordinance is defeated.

**ORDINANCE 2007-28 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE MAGAZINE DIVISION OF THE "CINCINNATI ENQUIRER" FOR ADVERTISING "FUNFORMASON"**

A motion to read by title only was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

Richard Fair explained to Council, in an effort to reduce costs and increase awareness of the programs offered by the Parks & Recreation Department at the Mason Community Center and other park facilities, staff began exploring a partnership with *Our Town* magazine.

Richard reported as a result of discussions between the City and their staff, *Our Town* magazine has agreed to lay out 16 pages of *Funformason* and print them inside each issue of *Our Town* magazine. *Our Town* is mailed free to families with children in the Mason and Kings school districts. For those families that do not receive the magazine, *Our Town* will mail the same 16 pages as a separate magazine. He said the City expects to realize multiple benefits from this arrangement. A 20% reduction in total costs for *Funformason* will save about \$16,600 annually. Working with a single vendor will reduce scheduling issues between layout, print, and distribution. More frequent publication (6 issues a year vs. 4) will allow more programming flexibility, increase visibility of the Community Center and its programs, and reduce the number of extra copies needed at the Community Center. An increase in *Funformason's* circulation by 55% will include nearly all of Deerfield Township. The proposal has been discussed with Council's Community Center Ad-Hoc Committee. Richard reported adoption of Ordinance 2007 – 28 authorizing a 1-year contract for \$67,824 for 6 issues is recommended.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-28 was made by Councilmember Wurzbacher, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2007-29 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE ACQUISITION OF PROPERTY LOCATED AT 229 MASON-MONTGOMERY ROAD WITH JACK M. YOST, JR. AND TERESA L. YOST**

A motion to read by title only was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Richard Fair explained to Council, as part of the Mason-Montgomery Road Improvement Project, it is necessary to acquire a portion of the Mason-Montgomery Road frontage owned by Jack M. Yost, Jr. at 229 Mason-Montgomery Road for right-of-way. The owner has agreed to a purchase price of \$8,000.00 for the 0.699 acres of right-of-way and additional utility and temporary easements.

Richard stated our appraisal for the right-of-way purchase was \$6,200.00. However, staff was able to negotiate with Mr. Yost for an additional \$1,800.00 to allow the City to perform additional grading in his front yard up to the house that will result in significant savings to the City. By changing the grade of Mr. Yost's front yard staff has eliminated the need to remove and re-install the existing retaining wall at an estimated cost savings of over \$15,000.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-29 was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

**ORDINANCE 2007-30 AUTHORIZING THE CITY MANAGER TO APPROVE A CHANGE ORDER IN THE AMOUNT OF \$30,000.00 TO INCREASE THE CONTRACT WITH EMH&T, INC. FOR THE DESIGN ENGINEERING OF THE IMPROVEMENTS TO MASON-MONTGOMERY ROAD FROM CHURCH STREET TO THE I&O RAILROAD BRIDGE**

A motion to read by title only was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Richard Fair explained to Council, the purpose of this legislation is to approve a change order to modify the existing design drawings. Changes to the drawings include:

- Adding an additional lane from Main Street to North Street
- Raising the design grade at the intersection of North Street to minimize construction costs and utility relocation costs
- Amend the re-alignment of North Street by moving East North Street to align with West North Street and performing additional surveying.
- Revise the street lighting locations to accommodate the additional lane
- Submit final drawings to the City by March 30, 2007 and be ready to bid in April.

Richard reported the cost proposal for this additional work on a very tight timeframe is \$85,000. The existing contract has approximately \$55,000 remaining for construction inspection services. He stated staff has found that construction inspection for critical Capital Improvement Projects is much more efficient when done with in house engineering staff. Capital Improvement Projects often involve much interaction with residents, tracking of quantities and critical communication while subdivision and commercial site inspections do not. Therefore, staff recommends utilizing the \$55,000 allocated for construction inspection toward this change order and authorizing an additional \$30,000 over the existing contract amount to cover the remainder. Richard concluded by stating a separate contract for construction inspection services to cover the void for

subdivision and commercial site inspections will be forthcoming for City Council's consideration.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-30 was made by Councilmember Wurzbacher, seconded by Vice Mayor Grossmann. VOTE: ALL YEAS

**ORDINANCE 2007-31 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NEYRA CONSTRUCTION, INC. FOR THE 2007 STREET MAINTENANCE PROGRAM**

A motion to read by title only was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Richard Fair explained to Council, the purpose of this legislation is to award a contract to the lowest and best bidder for capital investments and repair to the City's streets, bike paths and parking lots in the city parks. He stated this project will include crack sealing of various streets throughout the city, in addition to seal coating the parking lots and bike path at Heritage Oak Park, and seal coating of all bike paths at Pine Hill and Nixon Parks.

Bids were opened on February 15 with two (2) bids received. For the last several years, this project has been bid with the street resurfacing program. By bidding this project separately, the crack seal bid came in lower this year than it has for several years, even though the cost of materials continues to rise. The best and lowest bidder was Neyra Construction, Inc. with a bid of \$115,495.00. Richard stated Staff is currently working with Deerfield Township to combine street resurfacing contracts in an effort to reduce costs for both the city and township by increasing contract quantities. This project should be ready to bid in early March.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-31 was made by Councilmember Bradburn, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2007-32 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH NATORP'S, INC. FOR \$436,404.00 FOR LANDSCAPING AND IRRIGATION OF CITY OF MASON PROPERTY**

A motion to read by title only was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

Richard Fair reported to Council the purpose of this legislation is to provide a contract with Natorp's Inc. for city-wide maintenance of landscaping and irrigation. He stated this includes weed control, pruning, watering, etc. for the Tylersville Road and Mason Montgomery Road



corridors as well as Fire Stations #51 and #52, Municipal Center, Kings Island Drive and Snider Road. Richard reported five bids were received with the lowest and best bid coming from Natorp's Inc. for \$436,404. He explained this figure includes alternate #1; mow and maintain the Castle property grounds and alternate #2; mow and maintain the grounds at the water reclamation plant.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Councilmember Osborne. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-32 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2007-33 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH 32-FORD FOR THE PURCHASE OF ONE (1) 2008 FORD F-450 TRUCK**

A motion to read by title only was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: ALL YEAS

Richard Fair explained to Council, the Public Works fleet currently has one Ford F-350 sign truck that is used for street sign maintenance, snow and ice removal, and other maintenance projects throughout the City. The existing truck is a 1997 Ford F-350 box bed truck with over 114,000 miles. This truck is utilized daily to maintain the City's 6,500 regulatory signs. Richard reported this vehicle has accrued over \$12,000 in maintenance costs to date and has had significant transmission problems, incurring \$3,545 of maintenance costs in the last year alone. Staff has recommended that the vehicle be replaced.

He stated the 2007 Budget included \$76,000 for the purchase of a Ford F-450 sign truck. The actual state bid purchase price for the replacement sign truck from 32 Ford is \$68,344.00, which includes a box bed and a small hoist. The City will purchase a snowplow from a separate vendor after the truck has been ordered. Richard also said as part of the budget process, both the Equipment Committee and the Finance Committees of Council discussed and recommended the replacement of this vehicle.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-33 was made by Councilmember Osborne, seconded by Councilmember Kidd. VOTE: 6 YEAS, 1 ABSTAIN (Bradburn)

**ORDINANCE 2007-34 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH JACK DOHENY SUPPLIES FOR THE PURCHASE OF ONE (1) ARIES INDUSTRIES TRAILER MOUNTED CAMERA SYSTEM**

A motion to read by title only was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

Richard Fair explained to Council, to provide equipment for videoing underground utilities, including the City's sanitary sewer collection system. Richard stated within the last 12 months, Storm Water and Public Utilities spent \$39,900 for videoing underground utilities. Because of the expense, this service is used sparingly on an as needed or emergency basis. He reported Staff anticipates the cost of this equipment can be recouped within a year. We are currently developing a preventative maintenance program for the collection system. We contemplate when starting the program we will need to video at least 30 hours per week, 30 weeks a year for a period of 4 years, longer when we consider adding Storm Water videoing. At \$180 per hour for contract work, that comes to \$648,000 for 4 years or \$162,000 per year.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-34 was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

**ORDINANCE 2007-35 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO.002 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND TRITONSERVICES, INC. FOR HEATING AND VENTILATING CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT**

A motion to read by title only was made by Councilmember Kidd, seconded by Councilmember Bradburn. VOTE: ALL YEAS

Richard Fair reported to Council, contracts between the City of Mason and the five prime contractors for the new Water Reclamation Plant were executed on April 2, 2004. An Agreement was executed between the City of Mason and Dugan & Meyers Construction Co., Inc. on November 19, 2003, for Construction Management of the new WRP project. The total amount of that agreement was \$1,837,850. In addition, Richard said, the Agreement defined a construction management contingency of \$850,000, the unused portion of which was to be split between the City (75%) and D&M (25%) at the conclusion of the project. To date, this money has not been used.

He reported construction is now complete. All equipment has been final tested and started up. The East Trunk Sewer (representing approximately one-third of total City flow) was diverted to the new WRP on May 10, 2006. All remaining flow was diverted to the new plant in early June. In the course of finalizing WRP construction, the need arose for change orders to the construction contracts. It is now appropriate for the following change orders to be approved: Change Order No. 2 for Tritonservices (Contract C) covers addition of a Liebert unit to add necessary temperature control for the Laboratory, modifications to the Administration Building and Maintenance Building, changes in louvers and dampers during shop drawing review, and addition of an explosion-proof motor. The total for this change order is \$52,937. Change Order No. 14 in Ordinance 2007-36 for ESI (Contract E) involves necessary additions to the plant control system and installation of weather monitoring equipment for a total cost of \$12,948. Richard reported the total of all construction change orders previously approved and the change

orders presented above, excluding payment of interest on retainage, is approximately 4.4 % of the total construction contract amount of \$29,247,620. The Construction Manager and the staff of the Public Utilities Department carefully scrutinized any potential changes in the field to make sure that they were necessary to the project and that the best possible price was obtained for the City. At this point in time, the construction is complete and very few areas of dispute with the contractors remain to be resolved. Richard stated we do not anticipate any further change orders from any contractor other than ESI. ESI has claimed additional compensation for alleged delays and interest on unpaid retainage. We question the validity of the delay claim and are meeting with ESI to resolve these issues. It is expected that all changes through completion of the project will be not greater than 5 %. By comparison, the normal industry standard is approximately 7 % for this type and complexity of construction.

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-35 was made by Councilmember Kline, seconded by Councilmember Osborne. VOTE: ALL YEAS

**ORDINANCE 2007-36 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 014 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND ESI, INC. FOR ELECTRICAL CONSTRUCTION OF THE CITY'S NEW WATER RECLAMATION PLANT**

A motion to read by title only was made by Councilmember Kline, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

A motion to suspend the rule and allow for adoption after the first reading was made by Councilmember Kline, seconded by Councilmember Osborne. VOTE: ALL YEAS

A motion to adopt Ordinance 2007-36 was made by Councilmember Kline, seconded by Councilmember Kidd. VOTE: ALL YEAS

**CITY MANAGER'S REPORT**

Richard Fair, acting City Manager in Eric Hansen's absence, reported on the following items:

► There will be a special meeting of the Warren County Municipal League on Thursday, March 9 beginning at 8:00 a.m. at the Mason Municipal Center. Senator Robert Schuler, Representatives Michelle Schneider and Representative Shannon Jones will be the guests. Reservations are required by March 6.

► The National League of Cities Annual Legislative Conference will take place in Washington, D. C. from Saturday, March 10 through Wednesday, March 14. The following Council members will be in attendance: Mayor Char Pelfrey, Council Members Bradburn, Kidd, Kline, and Wurzbacher, and Clerk Terry Schulte. There will be no Council meeting on Monday, March 12 due to the absence of a quorum.

**COMMITTEE REPORTS**

Councilmember Bradburn mentioned the elected State Officials that will be attending the WCML meeting on March 9, 2007.

Councilmember Bradburn reported on the Safety Committee meeting stating it has been agreed upon to use NFPA Response Standard. He also said an effort is being made to work jointly with the Township whenever possible. He also stated a worksession may be needed in the future to discuss the organizational structure of the fire department.

**COUNCIL OLD AND NEW BUSINESS**

Councilmember Kidd stated Pitrelli's Italian Restaurant has opened their new addition. He encouraged residents to use the restaurants in the City.

Mayor Pelfrey reported she addressed the DARE graduation.

Ken Schneider stated the closing on the Golf Course is scheduled for March 15, 2007 at 11:00 a.m. He also reported there is a rough draft available on the door-to-door solicitation ordinance. Councilmember Osborne volunteered to serve on that ad hoc committee with Councilmember Wurzbacher.

**RECOGNITION OF VISITORS**

Mayor Pelfrey recognized students from the high school government class that have remained present for the entire meeting.

**EXECUTIVE SESSION**

A motion to adjourn into executive session for the purpose of discussing land acquisition was made by Councilmember Kidd, seconded by Councilmember Wurzbacher. VOTE: ALL YEAS

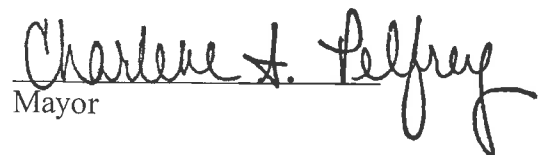
A motion to reconvene into regular session was made by Councilmember Kidd, seconded by Councilmember Kline. VOTE: ALL YEAS

**ADJOURN**

A motion to adjourn was made by Vice Mayor Grossmann, seconded by Councilmember Kidd.  
VOTE: ALL YEAS

TIME: 11:15 p.m.

  
Clerk of Council

  
Mayor