

**CITYOF MASON
COUNCIL MEETING
October 27,2008**

Mayor Grossmann called the meeting to order 6:41 p.m. The Mason Police Honor Guard presented the colors. Those present recited the pledge of allegiance.

ATTENDANCE

The following members of Council were present: Christine Shimrock, Don Prince, Tony Bradburn, Pete Beck and Tom Grossmann. Victor Kidd was absent.

INVOCATION

Chaplain J.D.Childers opened the meeting with a prayer.

SWEARING IN OF COUNCIL MEMBER DAVID NICHOLS

Law Director, Ken Schneider swore David Nichols in as Councilmember replacing the seat vacated by Todd Wurzbacher. His Family was then introduced. The meeting was interrupted briefly for a reception welcoming the new Councilmember.

Mayor Grossmann called the meeting to order again at 7:15 p.m. The pledge of allegiance was repeated this time led by Boy Scout Troop 750.

APPROVAL OF MINUTES

A motion to approve the minutes of the October 13, 2008 Council meeting was made by Councilmember Bradburn, seconded by Councilmember Shimrock. VOTE: ALL YEAS

PRESENTATION BY DEERFIELD TOWNSHIP TRUSTEES

Ken Schneider read the agreement between the City and Deerfield Township in its entirety:

“The Deerfield Township Trustees and Mason City Council are pleased to announce that they have reached agreement to provide improved Fire and EMS service to the residents of both communities.

The purpose is to provide optimal service to the citizens of the Mason and Deerfield Township by agreeing that the Fire and/or EMS crews able to respond fastest and best, will be the one dispatched to the emergency. This policy will be implemented in all areas of overlap between the township and the city. We believe that combining resources in this fashion, due to unique locations and circumstances, has both operational and financial benefit.

The key points of the agreement include:

1. Deerfield Township and Mason agree to designate the Deerfield Township FD as the first responder in the I-71, S.R. 741, Kings Mills corridor in the area of The Beach, Great Wolf Lodge, etc. The Deerfield Township Administrator, Mason City Manager, and Fire Chiefs will determine the specific areas to be serviced. Details of the agreement to be finalized by the respective staffs, and announced at a future date.
2. Deerfield Township FD and Mason FD have agreed to co-locate crews serving the northwest corridors of both communities in the new Mason Fire Station being constructed on Mason-Montgomery Rd. near Bethany Rd. This collaboration will be achieved through a long-term rental agreement between the two jurisdictions. This station will house personnel and equipment from both fire departments. Service to residents of the City and the Township will be provided from this single location.
3. Deerfield Township Fire Dept will continue to operate its temporary fire station at Fleckenstein Park until the permanent fire station is completed, at which time Deerfield will close its temporary station and occupy space in the new Mason station.
4. This collaboration will save money for residents of the township and the city. The township will realize savings from not building a permanent station in the north, and from reduced operating expenses. The city will benefit by receiving rent from the Township for a portion of the facility and reduced on-going operating expenses. Specific financial details will be announced at a future date, but the rental amount will be calculated based upon the savings realized by the township, and not related to the cost of constructing the new Mason fire station building.”

Township Trustees Chris Romano, Pete Patterson and Dan Corey addressed Council and said how pleased they were this agreement could be worked out for the benefit of the residents. Dave Young, Warren County Commissioner, addressed Council and was recognized for his efforts to coordinate this collaboration. He stated it is a win-win arrangement for the area. He thanked Don Prince and Pete Patterson for their efforts to bring it to fruition. Pete Patterson and Dan Romano also thanked Christine Shimrock, Tony Bradburn, Char Pelfrey and Matt Kline for assisting with this cooperative effort.

Councilmember Prince stated this agreement sets the stage for cooperation today and into the future. He said our focus is now on the future.

He moved to approve and support this agreement as setting direction and guidelines for the City Manager and administration to develop a formal agreement with Deerfield Township Trustees according to the points mentioned in the document as read by the Law Director. Councilmember Shimrock seconded the motion. VOTE: ALL YEAS

RECOGNITION OF VISITORS None

RESOLUTION 2008-20 SUPPORTING AN ADDITIONAL 2 MILL LEVY FOR FIRE AND EMERGENCY SERVICES FOR THE CITY OF MASON

Ken Schneider read the Resolution.

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

Eric Hansen stated this is a levy that will allow the City to work towards the goal of a total six minute response time to calls from our residents. Joe Defenzo of 5083 Plantation Court addressed Council and spoke in favor of the levy. He said he has changed his mind on his vote based on more communication on this issue to the residents; collaboration with the township and that the elected officials listened to the public.

Councilmember Bradburn reported the Safety Committee reviewed the Fire Department from top to bottom and stated the City will not replace station #52 until we sell the building on Cedar Village Drive or determine the future of that property. He said the Fire Department was evaluated on the manpower requirement needed, the proper location of fire stations for the residents and on training and leadership skills. He further stated all professional hired by the City to do this research stated three stations are necessary. Mayor Grossmann stated if the levy passes, Mason will have a 7 mil levy. He compared this to neighboring communities such as Loveland with a 7.2 mil rate, Union township with 6.9 mil rate, West Chester with a 6 mil rate and Liberty Township with a 6.5 mil rate. He said this brings the city into a comparable level of funding. The City's current rate is 3.97 mils. He also said all experts agree we need three stations.

Chief Ferrell, Safety Director, addressed Council and stated Station #51 should have been replaced one or two years ago. It was built in the seventies and is outdated. He said under any scenario, Mason needs three stations. Assistant Fire Chief Bryant reported the location of Station #52 was chosen due to the high volume of EMS calls in that area. He said the building can be used for many purposes. Chief Ferrell said the current location couldn't meet the City's response goals. To keep that station would require a fourth one. Eric Hansen said there is a 1.5 million dollar operating cost difference between 3 and 4 stations. He said the capital costs should not drive the decision on 3 or 4 stations, as it is the operating cost that adds to the budget.

A motion to adopt Resolution 2008-20 was made by Vice Mayor Beck, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2008-106 ACCEPTING THE PUBLIC IMPROVEMENTS FOR SNIDER CROSSING PUD AND RELEASING THE PERFORMANCE BOND

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

Richard Fair explained to Council, the Snider Crossing PUD is located on the southeast corner of the intersection of Tylersville Road and Snider Road. The PUD includes the Buffalo Wild Wings facility as well as the office/retail complex to the east. The public improvements being accepted by the City include the new storm sewer catch basins as well as the landscaped median installed on Tylersville Road. Richard reported staff has inspected the public improvements, for this development, which will become the City's responsibility upon acceptance. He added staff recommends accepting the public improvements and waiving the submission of a one-year maintenance bond since the improvements have been in place for more than a year.

Vice Mayor Beck said he was not in favor of waving the maintenance bond and asked if this was setting a precedent. Richard Fair stated it was not and this was a relatively simple project. He added it was waived at the request of the developer. He added it has been inspected.

A motion to adopt Ordinance 2008-106 was made by Vice Mayor Beck, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2008-112 AMENDING THE ZONING CODE AND ZONING MAP OF THE CITY OF MASON, OHIO, TO PROVIDE FOR THE REZONING OF APPROXIMATELY 9.7 ACRES FROM DEERFIELD TOWNSHIP TO B-3 ROAD SERVICE COMMERCIAL AND APPROXIMATELY 31.5 ACRES FROM DEERFIELD TOWNSHIP TO BUSINESS PLANNED UNIT DEVELOPMENT WITH APPROVAL OF THE CONCEPT PLANNED UNIT DEVELOPMENT PLAN LOCATED SOUTH OF KINGS MILLS ROAD ALONG THE EAST AND WEST SIDE OF KINGS ISLAND DRIVE (GREAT AMERICAN)

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

Eric Hansen stated this is a first reading and a public hearing will be held on this legislation on November 24, 2008.

ORDINANCE 2008-113 APPROVAL OF THE FINAL PLAT FOR RESERVES OF BETHANY

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

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

Richard Fair explained to Council the purpose of this legislation is to approve the final plat as recommended by Planning Commission on July 1, 2008. He stated the developer's representative is requesting approval of a final plat for their 9.91-acre residential development located along Bethany Road, just east of Parkside Subdivision. The development, zoned R-1 Single Family Residential, consists of eight buildable lots and an open space lot where the retention facility will be located. The two existing residences and accessory structures have already been removed. Richard said this plat is consistent with the previously approved Preliminary Plat and will dedicate the necessary easements and right of way. He added Planning Commission recommends approval of the final plat contingent on the submission of a subdivider's contract and performance bond in the amount of \$108,000.

A motion to adopt Ordinance 2008-113 was made by Vice Mayor Beck, seconded by Councilmember Prince. VOTE: ALL YEAS

ORDINANCE 2008-114 AUTHORIZING THE CITY MANAGER TO EXECUTE AN ACQUISITION AGREEMENT AND TO ACCEPT AN EASEMENT FOR A NEW STORM SEWER AND SANITARY SEWER IMPROVEMENT PROJECT AND DECLARING AN EMERGENCY (JOHNSTON)

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

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

Richard Fair explained to Council, on May 12, 2008 City Council authorized a contract with the Charles H. Hamilton Co. for construction of the Muddy Creek Restoration Phase 2/US 42 North Trunk Sewer Phase 2B Project. As part of the design of the new storm and sanitary sewer systems, it was necessary to relocate an existing eight-inch storm sewer across the Johnston property. The Johnston property consists of three parcels located on the east side of S. West Street, south of Aunker Drive. The largest of the three parcels straddles Muddy Creek and is bordered by Rose Hill Cemetery. Richard stated the proposed improvements will replace the deteriorated existing sanitary trunk sewer, in order to prevent problems with ongoing maintenance and future replacement.

He further explained this acquisition will allow for the relocation of an existing storm sewer and will provide dedication of a permanent sanitary sewer easement for access to the US 42 North Trunk Sewer from S. West Street, as well as providing temporary easement for the current construction project across this property. The City has negotiated with Mr. and Mrs. Johnston to provide the necessary storm and sanitary sewer easements without cost. The permanent easements will be recorded on a plat being prepared by Jones & Warner. He reported once construction is completed, an additional ordinance will be brought before Council vacating the existing storm drain easement.

A motion to adopt Ordinance 2008-114 was made by Councilmember Prince, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2008-115 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH D & J APPRAISALS, INC., IN THE AMOUNT OF \$23,075, FOR APPRAISAL REVIEW SERVICES FOR RIGHT-OF-WAY ACQUISITION FOR THE IMPROVEMENTS TO US 42 FROM BUTLER-WARREN ROAD TO TYLERSVILLE ROAD

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

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

Richard Fair explained to Council, the City received a \$3.5 million grant award for the improvement of U.S. 42 from Tylersville Road to Butler Warren Road. The grant covers approximately 50% of the construction costs for this two-mile long stretch of U.S. 42. He said this is the largest grant the City has received and a great opportunity to move forward on a needed road improvement. The grant award amount does not include engineering, right-of-way, utility relocation, or environmental assessment costs, which are estimated to total about \$2 million. There is also an outstanding Issue I grant request of \$1 million for this project. In November 2005, Council authorized a contract, in the amount of \$341,318, with KZF for the design of Phase 1. Then in February 2008, Council authorized a contract in the amount of \$553,077 for Phase 2 design, which included title work, appraisals and negotiations for approximately seventy-nine parcels. The current plans have revised the number of affected properties to sixty-seven parcels.

Richard further explained, in order to meet federal and state regulations, the City is required to have a separate contractual agreement for appraisal review, which was estimated at one-half the fee for the appraisals or about \$65,000. Several proposals were received with D & J Appraisals submitting the best proposal to complete the appraisal review for the sixty-seven parcels at a cost of \$23,075. David Laurenzo from D & J Appraisals is the former Chief Reviewer and Manager of the Appraisal Section for ODOT. He is very familiar with the federal and state requirements and has provided the appraisal review services for ODOT on the US 42 widening project just south of Butler-Warren Road for the past two years. Richard stated the current schedule shows a construction contract to be awarded in October 2010 and allows about eighteen months to obtain all the necessary right-of-way and begin utility relocation. The 2008 budget included \$1.1 million for this work and to begin right-of-way acquisition.

A motion to adopt Ordinance 2008-115 was made by Councilmember Prince, seconded by Councilmember Nichols. VOTE: ALL YEAS

ORDINANCE 2008-116 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #2 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND R.B. JERGENS CONTRACTORS, INC., IN THE AMOUNT OF \$66,367.49, FOR THE TYLERSVILLE ROAD AND FIRESIDE DRIVE IMPROVEMENT PROJECT

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

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

Richard Fair explained to Council, the Tylersville Road and Fireside Drive Road Widening Project has been completed. This was a joint project with Warren County that received \$262,265 in Issue #1 funds. The city provided the engineering and Warren County provided inspection for the project. Richard stated during the final stages of construction, poor soils were encountered along Tylersville Road, which required additional undercutting and stabilization of the subgrade to make it suitable for paving the widening areas. In addition, current ODOT specifications allow for a price adjustment of the asphalt placed as a part of the project. The adjustment is based on the cost of liquid asphalt at the time the project was bid versus the cost at the time the paving was actually completed. In accordance with the specifications the amount of adjustment for this project totals over \$24,000 due to the amount of asphalt in this project and the drastic increase in crude oil prices experienced this year. He reported staff was able to negotiate with the contractor a lump sum price of \$20,000 for the price adjustment.

He explained Change order #2 to the original contract will be a shared cost between the City and Warren County. The City would be responsible for approximately 1/3 of the additional costs, or approximately \$22,000. This change order covers both the cost of extra undercutting and the asphalt price adjustment, totaling an additional \$66,367.49 to the contract for R.B. Jergens.

A motion to adopt Ordinance 2008-116 was made by Vice Mayor Beck, seconded by Councilmember Shimrock. VOTE: ALL YEAS

ORDINANCE 2008-117 AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER #1 TO THE EXISTING CONTRACT BETWEEN THE CITY OF MASON AND MAINLINE ROAD AND BRIDGE CONSTRUCTION, INC., IN THE AMOUNT OF \$45,317.48, FOR THE MUDDY CREEK BIKE PATH PROJECT

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

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

Richard Fair explained to Council, This project is an ODOT Local Let Project, which does not allow for any contingency quantities to be included in the contract. As part of the Grant program the City is responsible for contingency or change order amounts. He said several design changes were necessary near the Muddy Creek Bike Path Bridge in order to complete the bridge installation across the Muddy Creek. The contractor discovered that there would not be sufficient support of the pavement to prevent the road from failing in the future. The sheeting plan was redesigned to provide for permanent sheeting with a concrete cap to support the edge of pavement and provide a place to mount a guardrail. After negotiating with the contractor, Mainline Road & Bridge, Inc., staff negotiated the cost for this work down to a lump sum total of \$24,000, from their original quote of \$37,000.

Richard reported in addition, due to the location of the overhead phone lines over the bridge, the abutment on the south side of the bridge had to be relocated slightly and oversized to allow the drilling equipment enough room to drill without interfering with the overhead lines. ODOT required installation of several other items that were not included in the original contract such as, additional wood fence and \$9,800 in guardrail on both sides of the bridge. Consequently, a change order is necessary in the amount of \$45,317.48 to the original \$462,712 contract. This brings the total contract amount to \$508,029. After reimbursement from the grant proceeds of \$347,780, the City's portion of the construction costs will be \$160,249, including this change order for 3,300 feet of bike path.

A motion to adopt Ordinance 2008-117 was made by Councilmember Shimrock, seconded by Councilmember Prince. VOTE: ALL YEAS

CITY MANAGER'S REPORT

Eric Hansen discusses the following items:

- ▶ Trick-or-treating in Mason will be from 6 to 8 p.m. on Halloween, Friday, October 31.
- ▶ Residents are encouraged to vote on Tuesday, November 4.
- ▶ Over the last two years, the Cincinnati area is experiencing a rock salt shortage. Area demand for rock salt has been greater than the national suppliers can maintain and stockpiled reserves are almost completely depleted. Mason purchases about 5,000 tons of rock salt each year to provide snow and ice control for City streets. If you recall, the City's price of salt this year increased 47% from last year. Many cities did not even get a bid for salt. The City will pursue alternatives to both reduce the budgetary impact of salt prices as well as to ensure available quantities are on hand. This will include continuing to look for less expensive supplies as well as conservation measures that may reduce the effectiveness of snow removal this year.

► Public meetings will be held at the following times in the Mason Municipal Center for residents interested in obtaining more information on the proposed Fire Levy:

Wednesday October 29, 2008 from 7-9:00 p.m.

Saturday November 1, 2008 from 9-12:00 p.m.

Monday November 3, 2008 from 7-9:00 p.m.

COMMITTEE REPORTS

Vice Mayor Beck reported the Community Center Committee met to discuss modification to the plans He noted there was a worksession tonight prior to the meeting to discuss the matter. He also stated Finance and Economic Development Committees will be meeting in the near future.

Mayor Grossmann stated Victor Kidd will now serve on Planning Commission. Council unanimously voted to approve that appointment.

Mayor Grossmann announced new Councilmember, David Nichols, will be assigned to Economic Development Committee, the Building Committee and the Community Center Committee. He also noted he may be assigned to replace him on the Finance Committee. He also asked for input from Councilmembers for appointment on the Design and Review Board.

OLD AND NEW BUSINESS

Vice Mayor Beck thanked the Mayor and staff for the procedure that was followed to select the new Councilmember, David Nichols.

Councilmember Shimrock reported that she and the Mayor had attended Local Government Day at St. Susanna along with Township Trustee Chris Romano and former State Representative Tom Raga.

Vice Mayor Beck noted a local company has received the Better Business Bureau 2008 Torch Award recognizing ethics in business. The company was Nixco Plumbing.

Councilmember Nichols thanked Council for giving him this opportunity to serve his community. He also recognized the Mason Girls Golf Team for winning the State Championship

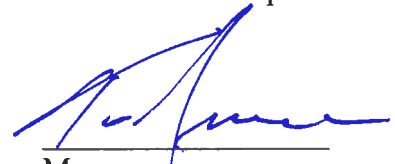
Mayor Grossmann noted Crane Fencing is leaving Mason due to an acquisition. He also encouraged Mason residents to vote.

RECOGNITION OF VISITORS None

ADJOURN

A motion to adjourn was made by Councilmember Bradburn, seconded by Councilmember Nichols. VOTE: ALL YEAS
TIME: 8:45 p.m.


Clerk of Council


Mayor