

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF MAY 17, 2010**

Clark called the meeting to order at 7:38 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Clark led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz  
Absent: Councilmember: None  
Also present: Martin Colburn, City Administrator  
Eric Smith, Finance Director/Treasurer  
David Haywood, Zoning & Development Director  
Deborah Cwiertniewicz, Deputy City Clerk  
Kathy Revels, Administrative Services Director  
Dennis McGinty, City Attorney

**ANNOUNCEMENTS**

Naeyaert announced that the Mason community has experienced several tragedies recently and she encouraged those affected to accept help that is offered and others to impart help when possible.

**PEOPLE FROM THE FLOOR**

Greg Shaw of 1668 West Dansville Road asked Council if they had any update regarding the Rayner Park situation. Colburn stated that the City is in discussions with the County, and in closed session this evening he would be informing the Council regarding negotiations.

**INTRODUCTIONS**

Colburn introduced Will Goosen, Director of Operations, and Greg Markvluwer, Senior Vice President of Development & Financial Services, both from the Granger Group, LLC.

**PRESENTATIONS**

**Granger Group, LLC**

Greg Markvluwer, Senior Vice President of Development & Financial Services of the Granger Group, informed Council regarding the status of the City Hall/Police Station project. He stated that the Granger team, architects, and sub-contractors, decided to make it a LEED certified building by paying the cost and putting in the extra hours to meet the certification requirements. Will Goosen, Director of Operations, stated that the building is a 75/100-year building, is highly flexible and technology centered. The electrical and cable wiring, as well as heating and cooling are under the floor. The building is designed for growth with 4,400 square feet available on each wing of the building to grow up and backwards. He spoke regarding details of the final phase.

Bruno recognized John Evans, Senior Project Manager for Granger, for his skillful supervision of the project. Colburn spoke regarding the transition of the move relating to training, setting up house, and planning for a Grand Opening in late summer or early fall. He expressed appreciation to Granger, City staff, and particularly Kathy Revels for her support to him as Project Manager for the City. Clark thanked Will Goosen and John Evans for their willingness to keep Council informed, answer questions and for their gracious welcome to unannounced visits to the building during construction. He added that he feels they have been great to work with and they have built a wonderful building. A brief discussion ensued.

MOTION by Naeyaert, second by Tornholm,  
to consider Resolution No. 2010-23 read.  
**MOTION APPROVED UNANIMOUSLY**

Resolution No. 2010-23 was introduced by Tornholm and seconded by Naeyaert. A brief discussion was held.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2010-23  
A RESOLUTION AUTHORIZING PAYMENT TO THE GRANGER GROUP, LLC FOR SERVICES  
AS DESIGN-BUILDER FOR PHASE I OF THE CITY HALL AND POLICE STATION PROJECT  
MAY 17, 2010**

**WHEREAS**, Granger Group, LLC was awarded a Building Improvements Purchase Agreement August 17, 2009 to design and build a city hall and police station; and

**WHEREAS**, the agreement with Granger Group was for the purchase of the building improvements and all professional services inclusive of programming, architectural design and construction for the amount of \$5,900,000; and

**WHEREAS**, the construction and completion of the project was to be completed in two phases, the first being the design/build of the city hall and police station facilities project; and

**WHEREAS**, it is agreed that payment less five percent for Phase I will be made upon on a closing date established by issuance of the Certificate of Occupancy for the amount of \$4,684,350, and Granger shall convey the improvements to the City by bill of sale free and clear of any liens or encumbrances; and

**WHEREAS**, with the conveyance of the building, the move-in date shall be established immediately; and

**WHEREAS**, Granger Group will proceed with Phase II consisting of demolition of the old city hall, and construct the landscaping and parking lot, finalizing all portions within the original purchase agreement.

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council does hereby authorize the Mayor and City Administrator signatory authority on behalf of the City to close on the city hall and police station building improvements.

**BE IT FURTHER RESOLVED**, that funds for payment shall be released and paid by city staff in the amount of \$4,684,350 to Granger Group, LLC for the completion of Phase I, including the conveyance of the City Hall and Police Station building improvements to the City of Mason.

**MOTION APPROVED UNANIMOUSLY**

**CONSENT AGENDA**

It was the consensus of Council to remove *Approval of Bills and Resolution No. 2010-20 – Resolution of City Officer Appointment to the Office of Public Works Director* from the Consent Agenda.

MOTION by Johnson, second by Waltz,  
to approve the Consent Agenda as follows:

**A. Approval of Minutes – Regular Council Meeting: May 5, 2010**

**B. Resolution No. 2010–21 – Resolution of City Officer Appointment to the Office of City Clerk**

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2010-21  
RESOLUTION OF CITY OFFICER APPOINTMENT  
TO THE OFFICE OF CITY CLERK  
MAY 17, 2010**

**WHEREAS**, in accordance with the Charter, City of Mason Michigan, Adopted June 26, 1951; and

**WHEREAS**, as listed in section 4.6, the Administrative Officers of the City are listed; and

**WHEREAS**, Ordinance No. 32-A-95 which replaces Ordinance 32 originally ratified October 3, 1955, created the Office of City Administrator; and

**WHEREAS**, In accordance with Ordinance No. 32-A-95, Section 5, A, the City Administrator shall recommend to the Council the appointment of officers; and

**WHEREAS**, Ordinance No. 138 was adopted and enacted as new code for the City of Mason, December 2, 2002; and

**WHEREAS**, it is the recommendation of the City Administrator to fill the Administrative Officer position of City Clerk by appointing Deborah J. Cwierniewicz.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Mason does hereby appoint Deborah J. Cwierniewicz as an Administrative Officer to the office of City Clerk, of which she is hereby charged with performing the duties and responsibilities of City Clerk, effective July 1, 2010.

**MOTION APPROVED UNANIMOUSLY**

### **C. Resolution No. 2010–22 – Fireworks Display Agreement**

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2010-22  
FIREWORKS DISPLAY AGREEMENT  
May 17, 2010**

**BE IT HEREBY RESOLVED**, by the City Council of the City of Mason that it does hereby grant permission to the Mason Fire Department and the Dansville Fire Department, Township of Ingham, to hold a fireworks display on the evening of July 4, 2010 in conjunction with the annual Fourth of July celebration at the Ingham County Fairgrounds.

**FURTHER RESOLVED**, that the lease agreement with the Ingham County Fair Grounds be signed by the Mayor and the City Administrator on behalf of the City of Mason for use of the facilities that day.

**MOTION APPROVED UNANIMOUSLY**

### **REGULAR BUSINESS**

#### **Approval of Bills**

MOTION by Johnson, second by Naeyaert,  
to approve the bills in the amount of \$173,960.87

Discussion was held regarding the AT&T invoice. Brian Tort, President of Central Solutions, explained details regarding the work order he submitted to AT&T and subsequent invoice AT&T submitted to the City. He expressed cooperation difficulties with follow through and poor customer service by AT&T. Naeyaert stated that she would speak with the AT&T Michigan President.

**MOTION APPROVED UNANIMOUSLY**

### **Resolution No. 2010-20 – Resolution of City Officer Appointment to the Office of Public Works Director**

MOTION by Johnson, second by Waltz,  
to consider Resolution No. 2010-20 read.

**MOTION APPROVED UNANIMOUSLY**

Resolution No. 2010-20 was introduced by Naeyaert and seconded by Tornholm. A brief discussion was held regarding the DPW Reorganization Chart and whether the resolution should indicate that the Public Works Director appointment is temporary.

MOTION by Johnson, second by Waltz,  
to insert the word “interim” in the sixth whereas previous to the words *Public Works Director*.

Yes (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Waltz

No (1) Tornholm

MOTION APPROVED

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2010-20  
RESOLUTION OF CITY OFFICER APPOINTMENT  
TO THE OFFICE OF PUBLIC WORKS DIRECTOR  
MAY 17, 2010**

**WHEREAS**, in accordance with the Charter, City of Mason Michigan, Adopted June 26, 1951; and

**WHEREAS**, as listed in section 4.6, the Administrative Officers of the City are listed; and

**WHEREAS**, Ordinance No. 32-A-95 which replaces Ordinance 32 originally ratified October 3, 1955, created the Office of City Administrator; and

**WHEREAS**, In accordance with Ordinance No. 32-A-95, Section 5, A, the City Administrator shall recommend to the Council the appointment of officers; and

**WHEREAS**, Ordinance No. 138 was adopted and enacted as new code for the City of Mason, December 2, 2002; and

**WHEREAS**, it is the recommendation of the City Administrator to fill the City Officer vacancy by appointing Martin A. Colburn as interim Public Works Director.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Mason does hereby appoint Martin A. Colburn as an Administrative Officer to the office of Public Works Director, of which he is hereby charged with performing the duties and responsibilities of the Public Works Director, effective May 17, 2010.

YES (5) Clark, Ferris, Naeyaert, Tornholm, Waltz

NO (2) Bruno, Johnson

RESOLUTION APPROVED UNANIMOUSLY

**Discussion – Residential Rental Program**

David Haywood, Zoning & Development Director gave a brief synopsis of the report he submitted to Council regarding implementing an ordinance to regulate residential rental units in the City. A lengthy discussion ensued. It was the consensus of the Council to have staff meet with city landlords to discuss details of the proposed ordinance and begin drafting language for Council discussions.

**UNFINISHED BUSINESS**

It was discussed that staff is evaluating the failing trees planted along Cedar Street through the MDOT enhancement grant. Haywood responded to questions regarding tall grass and the enforcement process. McGinty cited case law stating that County property is immune from local zoning ordinances, building permits, or care and maintenance regulations. Johnson inquired about the status of his question for the city attorney regarding whether building permit fees include the construction of personal property. McGinty stated that he will be meeting with the Building Inspector and City Administrator to finalize the opinion.

**NEW BUSINESS**

Waltz stated that St. James Catholic Church has approached the City to host an 8K Run/Walk; this item is not on the agenda because the meeting was held after the agenda deadline. Colburn stated that the 8K Committee submitted a letter this morning requesting street closures for July 25. Staff reviewed the information and he disseminated a four-page report from Sgt. Hude citing concerns and issues that need to be addressed, including the route. Staff would like to meet with the committee to coordinate the route and other details. Discussion ensued.

MOTION by Waltz, second by Johnson,  
to authorize the City Administrator to approve the necessary street closures to facilitate the St. James Church 8K Run/Walk, contingent upon the 8K Committee providing the required information to the satisfaction of the City Administrator, Police Department and the Public Works Department.

MOTION APPROVED UNANIMOUSLY

Tornholm stated that there are City residents that walk to Meijer to shop. She asked staff to investigate the installation of sidewalks around the Meijer property.

Clark informed Council that he received a written request from the Mason Youth Baseball Association today requesting that the fees be waived for the use of Bond Park field for the June 11-13 Mason Youth Baseball Tournament. At the April 5<sup>th</sup> City Council meeting, Mr. Chrome spoke during public comment and requested Council to consider eliminating tournament fees. Colburn restated the field preparation and restoration costs that were discussed at the April 5<sup>th</sup> meeting.

MOTION by Naeyaert, second by Johnson,  
to waive the fees for the use of Bond field for the Mason Youth Baseball Tournament,  
June 11-13.

MOTION by Tornholm, second by Johnson,  
to amend the main motion by including language requiring the Mason Youth  
Baseball Association to pay a deposit in the amount of \$360.00.

Yes (1) Tornholm

No (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Waltz

MOTION FAILED

VOTE ON THE MAIN MOTION:

Yes (6) Bruno, Clark, Ferris, Johnson, Naeyaert, Waltz

No (1) Tornholm

MOTION APPROVED

### **CORRESPONDENCE**

All correspondence was distributed.

### **LIAISON REPORTS**

Naeyaert informed Council regarding Planning Commission business. Clark informed Council regarding DDA business. Waltz informed Council that the Historic District Commission meets May 24 and he would not be available to attend the Mason City Council and Public School Joint Recognition Ceremony. Clark informed Council that he will be attending the Optimist Award Ceremony and will be unable to attend the Mason City Council and Public School Joint Recognition Ceremony

### **COUNCILMEMBER REPORTS**

None.

### **ADMINISTRATOR'S REPORT**

Colburn informed the Council regarding current city business.

**EXECUTIVE SESSION**

MOTION by Naeyaert, second by Waltz,  
to adjourn to executive session to consider property acquisition.  
Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz  
No (0)  
**MOTION APPROVED UNANIMOUSLY**

The meeting adjourned at 9:37 p.m.

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Martin A. Colburn, City Clerk

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Leon Clark, Mayor