

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF FEBRUARY 18, 2013**

Clark called the meeting to order at 7:39 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Droscha led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Naeyaert  
Absent: Councilmember: None  
Also present: Martin A. Colburn City Administrator  
Deborah J. Cwiertniewicz, City Clerk  
Eric Smith, Finance Director/Treasurer  
David Haywood, Zoning & Development Director  
Kerry Minshall, Fire Chief  
James Duthie, Code Enforcement Officer  
Dennis McGinty, City Attorney

**ANNOUNCEMENTS**

- Blood Drive – St. James Church – Thursday, February 21, 2013

**PEOPLE FROM THE FLOOR**

Kelly Davis of 115 Mechanic Street stated that her neighbor has parked and stored a 30' x 10' recreational vehicle in their back yard, 20' from the Davis' picture window. She asked Council to consider instituting an ordinance regulating the parking of recreational vehicles on residential properties.

**PRESENTATION**

Colburn read and presented a framed mission statement crafted by Council at a recent visioning session. The Mission Statement read: "*Mason is a community founded upon a respect for our historic past while encouraging an atmosphere that values family, business, the environment, and arts creating a sense of place for present and future generations.*"

**PUBLIC HEARING**

**Removal of Dead Trees from Private Property Located on Vacant Property Known as 33-19-10-08-151-006**

James Duthie, Code Enforcement Officer, gave an overview of the situation regarding dead ash trees located on vacant property.

Mayor Clark opened the public hearing at 7:53 p.m.

Wayne Bytwerk of 532 Middlebury Lane stated that the three dead Ash trees are located on vacant property adjacent to his. Two of the trees broke, landing in his back yard; one of the trees hit the back of his home at 3:00 a.m. as it fell. He asked Council to take action to remove the dead hazardous trees.

Mayor Clark closed the public hearing at 7:55 p.m.

**Resolution No. 2013-07– Authorization to Remove Dead Trees from Private Property**

MOTION by Naeyaert, second by Droscha,  
to consider Resolution No. 2013-07 read for the first time.  
**MOTION APPROVED UNANIMOUSLY**

Resolution No. 2013-07 was introduced by Droscha and seconded by Ferris.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2013-07  
AUTHORIZATION TO REMOVE DEAD TREES FROM PRIVATE PROPERTY  
February 18, 2013**

**WHEREAS**, stated in Mason Code, it is unlawful to maintain dead hazardous trees after receiving written notification by the City; and

**WHEREAS**, staff was made aware of hazardous trees located on vacant property known as 33-19-10-08-151-006 on October 22, 2012; and

**WHEREAS**, upon inspection of the trees, staff confirmed a total of 4 dead hazardous Ash trees and on November 5, 2012, mailed a letter of notice to the property owner requesting voluntary compliance in removal of the trees; and

**WHEREAS**, the property owner failed to comply in a reasonable and definite time with the order to remove the trees; and

**WHEREAS**, a public hearing was held by the Mason City Council at a regular City Council meeting on February 18, 2013, at 7:30 p.m. in the City Council Chambers, 201 West Ash Street, Mason, Michigan to receive public comment regarding said dangerous dead Ash trees; and

**WHEREAS**, notice of a public hearing was mailed to property owner Paul Hansen and his power of attorney, Mona Darling, inviting Mr. Hansen or his representative to appear at the hearing and provide an opportunity to offer evidence, testimony, or a written statement as to why the Mason City Council should not take the action described in Resolution No. 2013-06; now

**THEREFORE, BE IT RESOLVED**, that the City Council does hereby authorize the Director of Public Works to remove the 4 dead hazardous Ash trees located on vacant private property known as 33-19-10-08-151-006; now

**THEREFORE, BE IT FINALLY RESOLVED**, that the City Treasurer is hereby authorized to return the cost of cutting and removal to the July 2013 Tax Roll.

**RESOLUTION APPROVED UNANIMOUSLY**

**CONSENT AGENDA**

MOTION by Naeyaert, second by Droscha,  
to approve the Consent Agenda as follows:

- A. Approval of Minutes – Regular Council Meeting: February 4, 2013
- B. Approval of Bills: \$69,511.54

**MOTION APPROVED UNANIMOUSLY**

**REGULAR BUSINESS**

**Ordinance No. 193 – An Ordinance to Amend the Use District Map, as Adopted Pursuant to Section 94-62 of the Mason Code, to Rezone 0.258 Acres of Land Located at 144 North Mason Street from R2F Two-Family Residential to RM Multiple Family Residential**

MOTION by Droscha, second by Brown,  
to receive and consider the findings report and recommendation of the Planning

Commission regarding proposed Ordinance No. 193.  
MOTION APPROVED UNANIMOUSLY

It was discussed that the Planning Commission did not support a recommendation to adopt an ordinance to rezone property located at 144 North Mason Street. As the Planning Commission liaison, Mayor Pro Tem Naeyaert commented on the findings of fact provided by the Planning Commission

Haywood was asked to comment on various aspects of the request relating to the Code.

Attorney McGinty was asked if the findings of fact presented by the Planning Commission, and their rationale for not recommending the zoning ordinance, provide the city legal standing. McGinty replied in the affirmative stating that it was his opinion that there is further support by the comments and discussion of the Comprehensive Plan by the Council.

MOTION by Bruno, second by Droscha,  
to affirm the decision of the Planning Commission and deny the rezoning request.  
Yes (6) Brown, Bruno, Droscha, Ferris, Mulvany, Naeyaert  
No (1) Clark  
MOTION APPROVED

**Resolution No. 2013-08 – Approval of the Purchase of a 2013 Ford Expedition Special Service Vehicle**

MOTION by Droscha, second by Brown,  
to consider Resolution No. 2013-08 read.  
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-08 was introduced by Droscha and seconded by Ferris.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2013-08  
APPROVAL TO PURCHASE A 2013 FORD EXPEDITION  
February 18, 2013**

**WHEREAS**, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the Fire Department; and

**WHEREAS**, A Fire Command vehicle was destroyed in an emergency response call on December 24, 2012; and

**WHEREAS**, the command vehicle was totaled in an accident, and the city insurance carrier is paying the amount of \$24,750.00 to replace the command vehicle and an additional \$550.00 for salvage; and

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council does hereby approve the purchase of one (1) 2013 Ford Expedition for \$28,915.00 from Signature Ford, as the primary command vehicle for the Mason Fire Department.

RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2013-09 – Mayoral Appointment to the Traffic Commission**

MOTION by Naeyaert, second by Droscha,  
to consider Resolution No. 2013-06 read.  
MOTION APPROVED UNANIMOUSLY

Resolution No. 2013-09 was introduced by Droscha and seconded by Ferris

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2013-09  
MAYORAL APPOINTMENT TO THE TRAFFIC COMMISSION  
FEBRUARY 18, 2013**

**WHEREAS**, Mr. Arthur Bush served as a commissioner on the Traffic Commission; and

**WHEREAS**, Mr. Bush passed away on Sunday, January 27, 2013; and

**BE IT HEREBY RESOLVED**, that the Mayor, with confirmation by the City Council, does hereby appoint Jeff Haueter to the Traffic Commission commencing February 18, 2013 and expiring December 31, 2013.

**RESOLUTION APPROVED UNANIMOUSLY**

**Motion – 2012 Annual Report – Fire Department - Chief Kerry Minshall**

Minshall elaborated on the 2012 Fire Department Annual Report to Council.

MOTION by Naeyaert, second by Brown,  
to accept the Fire Department 2012 Annual Report and place it on file.

**MOTION APPROVED UNANIMOUSLY**

**Motion – Bid for Auditing Services**

Smith elaborated on his report regarding the bids received for auditing services. He recommended approving the proposal of Abraham & Gaffney, P.C. It was stated that although Abraham & Gaffney, P.C. were not the lowest bid received, they are the best suited for providing audit services for the city.

MOTION by Naeyaert, second by Droscha,  
to accept the three year auditing services bid from Abraham & Gaffney for not more than \$60,600 with an option for the following two years as quoted.

**MOTION APPROVED UNANIMOUSLY**

**Motion – Request to be Excused – City Council Member Leslie W. Bruno, Jr.**

MOTION by Naeyaert, second by Droscha,  
to excuse the requested absences for Council Member Leslie W. Bruno, Jr. from the March 4, March 18, and April 1, 2013 regular council meetings.

**MOTION APPROVED UNANIMOUSLY**

**Discussion – WOW (Wide Open West) Service Disruptions**

Discussion ensued regarding the disruption of WOW cable television service to the residents of Mason and other areas. Administrator Colburn spoke with representatives of the company and they assured him that they will be in attendance at the March 4, 2013 City Council meeting to discuss the issue.

**Discussion – 224 South Jefferson Street Property**

Discussion ensued regarding the possible uses for the vacant property located at 224 S. Jefferson Street. Various possibilities were discussed including allowing the placement of the American Legion's war soldier statues, and perhaps outdoor art. It was stated that the American Legion needed to consider this location, because it may be possible that the veterans would maintain the property. Further discussion included opposition to adding more park property maintenance work to the two-person crew that is currently charged with maintaining our parks. It was stated that the statues were originally proposed for the area near city hall, including a new landscape plan. Another option brought forth was that a business owner showed interest in swapping services for up to four parking spaces.

### **UNFINISHED BUSINESS**

None.

### **NEW BUSINESS**

Mulvany stated that the First United Methodist Church may be interested in hosting a community dinner when the visitors from Kosovo are in town.

Clark asked staff to include a report on the next meeting agenda for Codes relating to allowable parking areas for recreational vehicles.

### **CORRESPONDENCE**

All correspondence was distributed.

### **LIAISON REPORTS**

Naeyaert informed Council regarding Planning Commission business.

### **COUNCILMEMBER REPORTS**

Brown reported on the Elected Officials Academy he attended over the weekend.

### **ADMINISTRATOR'S REPORT**

Colburn informed Council regarding City business.

### **ADJOURNMENT**

The meeting adjourned at 9:23 p.m.

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Deborah J. Cwierniewicz, City Clerk

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Leon R. Clark, Mayor