

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF DECEMBER 15, 2014**

Mayor Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Councilmember Ferris 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. Cwierniewicz, City Clerk  
Eric Smith, Finance Director/Treasurer  
John Stressman, Chief of Police  
Dennis McGinty, City Attorney  
Thomas Hitch, City Attorney

**ANNOUNCEMENTS**

Blood Drive – St. James Church – Thursday, December 18, 2014

**PEOPLE FROM THE FLOOR**

None.

**PUBLIC HEARING**

**Hearing of Necessity 2015 Sidewalk Improvements**

Clark opened the public hearing at 7:35 p.m. to receive comments regarding the proposed 2015 sidewalk improvements. Residents asked varied questions regarding the process.

Bruce Archer of 409 East Maple Street stated support for the sidewalk improvements.

John Eldridge of 210 East Maple Street stated support for the sidewalk improvements.

Doug Brown of 820 East Maple Street stated support for the sidewalk improvements.

Mike Craft stated that he was representing Mason First Church of the Nazarene located at 415 East Maple Street. He stated support for the sidewalk improvements.

Clark closed the public hearing at 7:45 p.m.

**CONSENT AGENDA**

It was the consensus of Council to remove the bills from the consent agenda.

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

A. Approval of Minutes – Regular Council Meeting: December 1, 2014

MOTION APPROVED

**REGULAR BUSINESS**

**Motion – Approval of Bills**

A brief discussion was held to withhold the payment for TCI Inc. of Michigan due to the

irrigation line that was cut during the project work and has not been repaired. Colburn stated that he was assured that the irrigation line will be repaired in the spring. A brief discussion ensued regarding when the line could be repaired as well as the consequences of making payment for incomplete work versus withholding payment for work completed with a punch list type item to be completed.

MOTION by Bruno, second by Naeyaert,  
to approve the bills, withholding payment to TCI Inc. until the job is complete.  
Yes (1) Bruno  
No (6) Brown, Clark, Droscha, Ferris, Mulvany, Naeyaert  
MOTION FAILED

MOTION by Brown, second by Droscha,  
to approve the bills in the amount of \$181,902.31.  
Yes (6) Brown, Clark, Droscha, Ferris, Mulvany, Naeyaert  
No (1) Bruno  
MOTION APPROVED

**Special Assessment Resolution No. 3, Project 2015-1**

MOTION by Naeyaert, second by Brown,  
to consider Special Assessment Resolution Nos. 3, Project No. 2015-1 and 4, Project  
No. 2015-1 read.  
MOTION APPROVED

Special Assessment Resolution No. 3, Project No. 2015-1 was introduced by Ferris and seconded by Mulvany.

**CITY OF MASON  
2015 SIDEWALK IMPROVEMENTS  
SPECIAL ASSESSMENT RESOLUTION NO. 3  
PROJECT NO. 2015-1  
December 15, 2014**

**WHEREAS**, the City Council of the City of Mason, pursuant to the provisions of Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter, did on Monday, the 17th day of November, 2014, adopt resolutions tentatively approving the installation and construction of certain sidewalk improvements (the "Project," described below), and the establishment of a special assessment district therefore for the purpose of defraying all or a portion of the cost of the Project, which Project and special assessment district therefore are more specifically hereinafter described; and

**WHEREAS**, this City Council did meet in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan, on Monday, the 15th day of December, 2014, at 7:30 o'clock, p.m., the time, date and place set by the City Council to conduct a public hearing to hear any objections to the Project and to the proposed special assessment district therefore; and

**WHEREAS**, estimates of cost of said Project are on file with the City Clerk.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The City Council hereby determines to make the following described sidewalk improvements:

The installation of sidewalks and related improvements, and/or replacement of sidewalks in the public right-of-way of the following properties and along and adjacent to the following streets: 227 Lawton, 202 E Maple, 203 E Maple, 209 E

Maple, 210 E Maple, 215 E Maple, 218 E Maple, 221 E Maple, 224 E Maple, 229 E Maple, 230 E Maple, 235 E Maple, 314 E Maple, 317 E Maple, 321 E Maple, 326 E Maple, 328 E Maple, 332 E Maple, 401 E Maple, 402 E Maple, 406 E Maple, 409 E Maple, 410 E Maple, 415 E Maple, 740 E Maple, 744 E Maple, 758 E Maple, 766 E Maple, 775 E Maple, 788 E Maple, 810 E Maple, 820 E Maple, 821 E Maple, 831 E Maple, 223 S Rogers, 307 S Rogers, 225 Steele, 320 Steele, 300 Temple, 249 Washington, 331 Washington.

2. The City Council hereby approves the plans and estimate of cost for the Project in the sum of \$45,940, and approves the additional estimated sum of \$6,890 to defray legal, financing and administrative costs. Of the estimated total cost of \$52,830, the City Council determines to assess \$21,893.28 of that amount against benefiting property owners in the City.

3. The City Council determines that the special assessment district for the Project shall consist of the lots and parcels of land in the area of the City described in **Exhibit A**, attached hereto and incorporated herein by reference, and excluding all streets and other land deemed not benefited.

4. The City Council hereby directs the City Assessor to make, and report to the City Council within thirty (30) days from the date of this resolution, a special assessment roll in which shall be described all of the parcels of land to be assessed as set forth with the names of the owners thereof, if known, and the total amount to be assessed against each parcel of land, which amounts shall be such relative proportion of the whole sum to be levied against all parcels of land in the special assessment district as, on a front foot basis, the benefit to such parcel bears to the total benefit of all parcels of land in the special assessment district, all in accordance with Section 66-7 of the City's Code of Ordinances, and subject to review and modification by the City Council.

5. When the City Assessor shall have completed the special assessment roll, he shall affix thereto his certificate, pursuant to Section 66-9 of the City's Code of Ordinances, stating that said roll was made pursuant to a resolution of the City Council, adopted on December 15, 2014, for the purpose of paying that part of the cost which the City Council decided should be paid and borne by special assessment for the Project, that in making such assessment he has, as near as may be, and according to his best judgment, conformed in all things to the directions contained in the resolution of the City Council hereinbefore referred to, and the Charter of the City relating to such assessment, and the City Assessor shall then, within thirty (30) days from the date of this resolution, report the special assessment roll with his certificate attached thereto to the City Council.

6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

#### RESOLUTION APPROVED

#### **Special Assessment Resolution No. 4, Project 2015-1**

Special Assessment Resolution No. 3, Project No. 2015-1 was introduced by Ferris and seconded by Mulvany.

**CITY OF MASON  
2015 SIDEWALK IMPROVEMENTS  
SPECIAL ASSESSMENT RESOLUTION NO. 4  
PROJECT NO. 2015-1  
December 15, 2014**

**WHEREAS**, by resolution adopted Monday, December 15, 2014, the City Council of the City of Mason determined to install and construct the more particularly hereinafter-described sidewalk improvements (the "Project") and assess all or a portion of the cost thereof against the property deemed benefited by the Project, all in accordance with Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter; and

**WHEREAS**, the City Assessor has prepared and reported to the City Council a special assessment roll assessing all or a portion of the cost of the Project to the property benefited thereby with his certificate attached thereto pursuant to Section 66-9 of the City's Code of Ordinances; and **WHEREAS**, the City Council desires to schedule a public hearing to review and hear objections to the special assessment roll.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The special assessment roll shall be filed with the office of the City Clerk and shall be available for public examination during regular business hours on regular business days.
2. The City Council shall meet at 7:30 o'clock in the p.m., on Monday, the 16<sup>th</sup> day of March, 2015, in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing and hearing objections to the special assessment roll.
3. The City Clerk shall cause notice of the hearing and the filing of the special assessment roll to be given to all interested property owners as provided by Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter. The notice as published and mailed shall be in substantially the following form:

**NOTICE OF HEARING  
CITY OF MASON  
INGHAM COUNTY, MICHIGAN  
NOTICE OF PUBLIC HEARING ON THE  
SPECIAL ASSESSMENT ROLL FOR THE  
2015 SIDEWALK IMPROVEMENTS SPECIAL ASSESSMENT DISTRICT 2015-1**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON,  
INGHAM COUNTY, MICHIGAN**, the owners of the land described below within the 2015 Sidewalk Improvements Special Assessment District 2015-1, and any other interested persons:

**PLEASE TAKE NOTICE** that the City Assessor has reported to the City Council and filed in the office of the City Clerk for public examination a special assessment roll prepared by him, which roll includes all properties that are within the 2015 Sidewalk Improvements Special Assessment District 2015-1, and are benefited by the proposed sidewalk improvement project generally described as follows:

The installation and/or replacement of sidewalks in the public right-of-way of the following properties and along and adjacent to the following streets:  
227 Lawton, 202 E Maple, 203 E Maple, 209 E Maple, 210 E Maple, 215 E Maple, 218 E Maple, 221 E Maple, 224 E Maple, 229 E Maple, 230 E Maple, 235 E Maple, 314 E Maple, 317 E Maple, 321 E Maple, 328 E Maple, 328 E Maple, 332 E Maple, 401 E Maple, 402 E Maple, 406 E Maple, 409 E Maple, 410 E Maple, 415 E Maple, 740 E Maple, 744 E Maple, 758 E Maple, 766 E Maple, 775 E Maple, 788 E Maple, 810 E Maple, 820 E Maple, 821 E Maple, 831 E Maple, 223 S Rogers, 307 S Rogers, 225 Steele, 320 Steele, 300 Temple, 249 Washington, 331 Washington.

The special assessment roll has been prepared for the purpose of assessing a portion of the costs of the acquisition and construction of the sidewalk improvement project and work incidental thereto within the special assessment district, as more particularly shown on the plans of the City's engineers, which are on file and available for public examination with the City Clerk at the City Hall, 201 West Ash Street, Mason, Michigan, within the City. The total estimated assessment there under is \$21,893.28.

**PLEASE TAKE FURTHER NOTICE** that the City Assessor has further reported that the assessment against each parcel of land within the special assessment district is such relative portion of the whole sum levied against all parcels of land in the special assessment district as the benefit to such parcel bears to the total benefit to all parcels of land in the district.

**PLEASE TAKE FURTHER NOTICE** that the City Council will meet on Monday, the 16<sup>th</sup> day of March, 2015, at 7:30 o'clock, p.m., in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing the proposed special assessment roll and hearing any objections thereto. The special assessment roll may be examined at the office of the City Clerk during regular business hours of regular business days until the time of the hearing and may further be examined at the hearing.

Appearance and protest at the hearing, in person or in writing, are required in order to appeal the action of the City Council in approving the special assessment roll, and/or the amount of an assessment, to the state tax tribunal. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment proceedings or may file his or her appearance and protest by letter and his or her personal appearance will not be required. The owner or any person having an interest in the real property who protests in person or in writing at the hearing may file a written appeal of a special assessment with the state tax tribunal within 35 days of the date the special assessment roll is confirmed by the City Council.

Further information regarding the 2015 Sidewalk Improvements special assessment project is available at the City Clerk's office, City Hall, 201 West Ash Street, Mason, Michigan 48854.

Dated: December 15, 2014

Deborah J. Cwierniewicz, City Clerk  
City of Mason  
Ingham County, Michigan

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

RESOLUTION APPROVED

**Resolution 2014-57—A Resolution to Accept Professional Services for Wastewater Treatment Plant Upgrades**

MOTION by Naeyaert, second by Droscha,  
to consider Resolution No. 2014-57 read.

MOTION APPROVED

Resolution No. 2014-57 was introduced by Ferris and seconded by Mulvany.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2014-57  
RESOLUTION TO ACCEPT PROFESSIONAL SERVICES FOR  
WASTEWATER TREATMENT PLANT UPGRADES  
December 15, 2014**

**WHEREAS**, it is in the best interest of the City to maintain a functional and well maintained Wastewater Treatment Plant (WWTP); and

**WHEREAS**, the City desires to proceed with improvements to the WWTP to include constructing a new headworks, new pumps, relieve a bottleneck of moving water and removing the non-working headworks; and

**WHEREAS**, the City forwarded a Request for Proposals (RFP) to a number of professional engineering firms to provide professional services to address methods and means to remediate the needs of the City, receiving proposals with costs; and

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council gives City Administrator Martin Colburn signature authority and authorizes the City to accept the proposal from Prein & Newhof in the amount of \$215,659 to provide professional services at the Mason Wastewater Treatment Plant.

RESOLUTION APPROVED

**Resolution 2014-58—Mayoral Appointments to City Boards and Commissions**

Clark stated that there are vacancies on a few boards and commissions that will need to be filled. The current planning and Mason City government experience on the Planning Commission was deliberated.



MOTION by Naeyaert, second by Droscha,  
to consider Resolution Nos. 2014-58 and 2014-59 read.  
MOTION APPROVED

Resolution No. 2014-58 was introduced by Ferris and seconded by Mulvany.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2014-58  
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS  
December 15, 2014**

**BE IT HEREBY RESOLVED**, that the Mayor, with confirmation by the City Council, does hereby make the following appointments/reappointments to the specified boards and commissions of the city and that each term shall commence January 1, 2015 and expire on December 31 of the year noted.

Building Code	Patrick Hicks	2017
Downtown Development Authority	Brent Forsberg	2018
	Joe Ghinelli	2018
	Mark Howe	2018
	Teresa Wren	2017
	<small>(filling an unexpired term)</small>	
Historic District Commission	Albert Schulien	2017
	Rodney Jewett	2017
Planning Commission	Tim Scott	2017
	Elizabeth Hude	2017
	Anne Klein Barna	2017
	Lori Hagle	2015
	<small>(filling an unexpired term)</small>	
Traffic Commission	Josh Woodland	2017
	Joe Ghinelli	2017
Tree Commission	Melvin Brown	2017

RESOLUTION APPROVED

**Resolution 2014-59—City Council Appointments to City Boards and Commissions**

Resolution No. 2014-59 was introduced by Ferris and seconded by Mulvany.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2014-59  
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS  
December 15, 2014**

**BE IT HEREBY RESOLVED**, that the City Council of the City of Mason does hereby make the following appointments/reappointments to the specified boards and commissions of the City and that each term shall commence January 1, 2015 and expire on December 31 of the year noted:

Board of Review	Larry Howe	2017
	Pete Curtis	2016
	<small>(filling an unexpired term)</small>	
Cemetery Board	Melvin Brown	2017
	Kendra Sabbadin	2015
	<small>(filling an unexpired term)</small>	
Local Development Finance Authority	William Shepard	2017
Utility Rate Study Committee	Ruben Droscha	2017
Zoning Board of Appeals	Pete Curtis	2017
	John Sabbadin	2017

RESOLUTION APPROVED

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

Staff was requested to provide a resolution of appointment for the liaison to the Planning Commission.

**CORRESPONDENCE**

All correspondence was distributed.

**LIAISON REPORTS**

- Brown informed Council regarding the Sesquicentennial Committee business
- Naeyaert informed Council regarding Planning Commission business

**COUNCILMEMBER REPORTS**

None.

**ADMINISTRATOR'S REPORT**

Colburn informed Council regarding current City business.

At this time, Mayor Clark invited Council to join him in recognizing Mason City Attorney Dennis McGinty. Mayor Clark and Council presented Mr. McGinty with a plaque in recognition of 38 years as the Mason City Attorney. Mr. McGinty shared a few words of farewell thanking the Council for their high ethical standards and for allowing him to be a part of the great city of Mason, defending it when necessary and helping it to grow and develop when he could. In closing, he promised Council that he would enjoy his retirement to the fullest extent permitted by law.

Following that, Mayor Clark recognized Mayor Pro Tem Naeyaert by presenting her with a plaque in recognition of her years on City Council.

A brief recess was taken at 8:41 p.m. to celebrate Mr. McGinty with a retirement cake prior to adjourning to executive session. The meeting reconvened at 8:52 p.m.

**EXECUTIVE SESSION - PERSONNEL - CITY ADMINISTRATOR'S EVALUATION**

MOTION by Naeyaert,  
to adjourn to executive session to discuss the City Administrator's evaluation.  
Yes (7) Brown, Bruno, Droscha, Ferris, Mulvany, Naeyaert, Clark  
No (0)  
**MOTION APPROVED**

The meeting adjourned to executive session at 8:53 p.m. and reconvened at 10:29 p.m.

**ADJOURNMENT**

The meeting adjourned at 10:30 p.m.

---

Deborah J. Cwierniewicz, City Clerk

---

Leon R. Clark, Mayor