

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 5, 2015**

Clark called the meeting to order at 7:36 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Mulvany 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 Cwierniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
Ken Baker, DPW Superintendent
John Stressman, Chief of Police
Thomas Hitch, City Attorney

UNFINISHED BUSINESS

Approval of Minutes – Regular Council Meeting: December 15, 2014

The Minutes of December 15, 2014 were approved as presented.

Approval of Bills

MOTION by Naeyaert, second by Droscha,
to approve the bills in the amount of \$102,112.30.

MOTION APPROVED

Council asked Attorney Hitch if Resolution No. 2015-02 could be postponed. Hitch explained the procedure to postpone a resolution to a certain time. Mulvany stated that goals and objectives for the year 2015 should be set prior to considering Resolution No. 2015-02; postponement of the resolution would allow the Mayor, Mayor Pro Tem, and City Administrator to meet and determine the needs and priorities. It was stated that the goals and objectives have been tied to the evaluation, not the contract; the goals and objectives were for 2015 and the evaluation and contract are based on 2014. Hitch stated that the contract is on-going and subject to modifications.

MOTION by Mulvany, second by Ferris,
to amend the agenda by moving Resolution No. 2015-02 prior to the executive session.

Yes (3) Brown, Ferris, Mulvany
No (4) Bruno, Droscha, Naeyaert, Clark

MOTION FAILED

EXECUTIVE SESSION - PERSONNEL - CITY ADMINISTRATOR'S EVALUATION

MOTION by Naeyaert,
to adjourn to executive session to discuss the City Administrator's evaluation.

Yes (5) Brown, Bruno, Droscha, Naeyaert, Clark
No (2) Ferris, Mulvany

MOTION APPROVED

The meeting adjourned to executive session at 7:57 p.m. and reconvened at 8:20 p.m.

Resolution No. 2015-01 – Resolution 2015-01—City Administrator Performance Evaluation for Calendar Year 2014

MOTION by Naeyaert, second by Brown,
to consider Resolution No. 2015-01 read.
MOTION APPROVED

Resolution No. 2015-01 was introduced by Mulvany and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-01
CITY ADMINISTRATOR PERFORMANCE EVALUATION
FOR 2014 CALENDAR YEAR
January 5, 2015**

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis; and

WHEREAS, City Council Resolution 2005-06 further provides that the Council shall conduct the formal performance review according to the guidelines described therein, including use of the "City Administrator Performance Evaluation Form" and the "City Administrator Self-Evaluation Form" as defined therein; and

WHEREAS, on December 15, 2014, the City Council met for the purpose of reviewing the "City Administrator Self-Evaluation Form" and the composite "City Administrator Performance Evaluation Form" for the purpose of general discussion regarding the job performance of City Administrator Martin A. Colburn, for the purpose of discussing revision of the Employment Contract between Administrator Colburn and the City Council; and

WHEREAS, at the request of Administrator Colburn, the review meetings by the City Council were held in executive session pursuant to the provisions of the Open Meetings Act; now

THEREFORE BE IT RESOLVED, that the City Council remains satisfied with Administrator Colburn in his management of, and service to, the City of Mason. Administrator Colburn continues to meet the job performance expectations of the Council. The Council feels that Administrator Colburn leads City operations in a manner generally consistent with the collective goals and ideals of the Council, as well as those of the City as a whole; now

BE IT FURTHER RESOLVED, that the City Council evaluated the performance of the City Administrator in fulfilling the responsibilities of the position by rating the following categories. Each category rating below is an average based upon each Council Member assigning a performance rating of 1 to 5 to a specific set of sub-categories for each category. Each performance measure uses the following scale: 5 = *Exceeds expectations*; 3 = *Meets expectations*; 1 = *Fails expectations*.

1. PROFESSIONALISM: 3.4
2. RELATIONSHIP WITH COUNCIL: 3.2
3. POLICY EXECUTION: 3.4
4. REPORTING: 3.6
5. PUBLIC RELATIONS: 3.7
6. STAFFING: 3.2
7. FISCAL MANAGEMENT: 3.7; now

BE IT FURTHER RESOLVED, that Mr. Colburn achieved an overall performance rating of 3.46 and more than met City Council expectations, and City Council commends Mr. Colburn for his outstanding performance as City Administrator; however, City Council did have concerns regarding Mr. Colburn's dual role as City Administrator and Acting DPW Director questioning whether it was too demanding and time consuming for one individual; now

BE IT FURTHER RESOLVED, that in accordance with City Council Resolution 2005-06, this resolution is hereby submitted by Mayor Leon R. Clark and Mayor Pro Tem Robin Naeyaert for consideration by the City Council as the written summary of the conclusions of the Council regarding the job performance of City Administrator Martin A. Colburn; now

BE IT FINALLY RESOLVED, that in accordance with City Council Resolution No. 2005-06, a copy of this resolution shall be placed in the personnel file of City Administrator Martin A. Colburn.

RESOLUTION APPROVED

Resolution No. 2015-02 – City Administrator Employment Contract Amendment No.13

MOTION by Bruno, second by Droscha,
to defer Resolution No. 2015-02 to the January 19, 2015 meeting.

MOTION APPROVED

Mayor Pro Tem Naeyaert gave words of farewell to her family, constituents, fellow Councilmembers, and city staff extending gratefulness for their support, friendship, as well as words of encouragement.

ADJOURN SINE DIE – 2013/2014 COUNCIL

The 2013/2014 City Council adjourned sine die at 7:57 p.m.

OATH OF OFFICE

Cwiertniewicz administered the Councilmember oath of office to Marlon I. Brown, Jon Droscha, and Mike Waltz, as well as the City Attorney oath of office to Tom Hitch.

ELECTION OF MAYOR AND MAYOR PRO TEM FOR 2015-2016

Cwiertniewicz opened nominations for the office of Mayor.

Bruno nominated Leon Clark for Mayor.

Mulvany nominated Mike Waltz for Mayor.

Cwiertniewicz closed the nominations for the office of Mayor and the vote was called.

Clark: (3) Bruno, Clark, Droscha
Waltz: (4) Brown, Ferris, Mulvany, Waltz
MIKE WALTZ ELECTED MAYOR

Cwiertniewicz opened nominations for office of Mayor Pro Tem.

Ferris nominated Marlon Brown for Mayor Pro Tem.

Cwiertniewicz closed nominations and the vote was called.

Yes (6) Brown, Clark, Droscha, Ferris, Mulvany, Waltz
No (1) Bruno,
MARLON BROWN ELECTED MAYOR PRO TEM

Mike Waltz received the gavel. He acknowledged the combined years of service that Mr. Clark and Ms. Naeyaert provided in leadership jobs for the city. He wished Ms. Naeyaert well in her new endeavor of service as the District 14 Ingham County Commissioner.

ANNOUNCEMENTS

- Brass Quintet, Hand Bell Choir, and Pipe Organ Concerts – First United Methodist Church – January 18, 2015

PEOPLE FROM THE FLOOR

Jim Maddix of 450 High Point Drive, Apt. No. 2, thanked Councilmember Clark for being an advocate for the City of Mason. He stated that he was opposed to election of the Mayor by the Council and felt it should be by the vote of the people. If it is not possible to elect the Mayor by the vote of the people, he felt that the agenda should have public comment prior to the election of Mayor and Mayor Pro Tem to allow comments from the people of the city.

Mark Minshall of 111 East Elm Street, congratulated and welcomed Mr. Waltz as Mayor and thanked Mr. Clark and Ms. Naeyaert for their service to the city. Waltz stated that he agreed with the praises of Mr. Clark.

CONSENT AGENDA

MOTION by Brown, second by Ferris, to amend the Consent Agenda by moving Item Nos. 11 A) Resolution 2015-03—Establishment of City Council and Planning Commission Meeting Dates for the Year 2015, and C) Resolution 2015-05—City Council Reappointment to the Zoning Board of Appeals from Regular Business to the Consent Agenda.

MOTION by Brown, second by Ferris, to approve the Consent Agenda as follows:

A. Resolution 2015-03—Establishment of City Council and Planning Commission Meeting Dates for the Year 2015

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-03
ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION
MEETING DATES FOR THE YEAR 2015
January 5, 2015**

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2015, and January 4, 2016, and that said meetings are to be held on the first and third Mondays of each month, with exception of one holiday, scheduled as a *Tuesday meeting,

- | | |
|-------------------|----------------------|
| January 5 and 19 | July 6 and 20 |
| February 2 and 16 | August 3 and 17 |
| March 2 and 16 | September 8* and 21 |
| April 6 and 20 | October 5 and 19 |
| May 4 and 18 | November 2 and 16 |
| June 1 and 15 | December 7 and 21 |
| | January 4, 2016; now |

BE IT FURTHER RESOLVED, that the following are the dates of the regular Planning Commission meetings for the calendar year 2015, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months,

- | | | |
|-------------|-----------|-----------------------|
| January 13 | May 12 | September 15 |
| February 10 | June 9 | October 13 |
| March 10 | July 14 | November 10 |
| April 14 | August 11 | December 15 |
| | | January 12, 2016; now |

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chamber, City Hall, 201 West Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; now

BE IT FINALLY RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.

B. Resolution 2015-05—City Council Reappointment to the Zoning Board of Appeals

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-05
CITY COUNCIL APPOINTMENT TO THE ZONING BOARD OF APPEALS
January 5, 2015**

BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby reappoint James Maddix to the City of Mason Zoning Board of Appeal, whose term shall commence January 1, 2015 and expire on December 31, 2017.

MOTION APPROVED

REGULAR BUSINESS

Resolution 2015-04—Councilmember Appointment to the Planning Commission

MOTION by Mulvany, second by Droscha,
to consider Resolution No. 2015-04 read with the name of Marlon Brown inserted in
the fifth paragraph.

MOTION APPROVED

Resolution No. 2014-04 was introduced by Mulvany and seconded by Brown.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-04
January 5, 2015
COUNCIL MEMBER APPOINTMENT TO PLANNING COMMISSION**

WHEREAS, it is in the best interests of the City that the efforts of the City Council and the Planning Commission be coordinated in the conduct of their respective duties; and

WHEREAS, the appointment of a member of the City Council to the Planning Commission will provide the conduit for communication that will enable coordination of said efforts; and

WHEREAS, Section 3 of the Municipal Planning Act, 1931 PA 285; MCL 125.33, and Section 50.33 of the Mason City Code authorize the appointment of a member of the City Council to serve as a member of the Mason Planning Commission for a term concurrent with the term of the council member; and

WHEREAS, Public Act 285 requires that the appointment of a City Council member to the Planning Commission shall be by resolution of the City Council; now

THEREFORE, BE IT RESOLVED, that the City Council does hereby select Mayor Pro Tem Marlon I. Brown as a member of the Planning Commission with identical rights and responsibilities as assigned to the appointed members of the Planning Commission.

NOW, BE IT FURTHER RESOLVED, that the term of the Councilmember as a member of the Planning Commission shall be the same as the term served by the Councilmember.

YES (6) Brown, Bruno, Droscha, Ferris, Mulvany, Waltz
NO (1) Clark

RESOLUTION APPROVED

Resolution 2015-06—A Resolution Endorsing the Location of the Howell Road Option for Crossing of US-127 for the Proposed Trail Connecting the Delhi Township Trail System to the Hayhoe Riverwalk Trail

Haywood elaborated on his submitted report. Points of concern discussed were that the proposed route was not the best route to connect with the other trail, planning the combination of the non-motorized walking trail and adjacent traffic on Howell Road and Cedar Street, safety with the change of shifts at the Dart Corporation, and that the proposed route was not scenic, as those the city has developed.

MOTION by Brown, second by Droscha,
to consider Resolution No. 2015-06 read.
MOTION APPROVED

Resolution No. 2015-06 was introduced by Bruno and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-06
A RESOLUTION ENDORSING THE LOCATION OF THE HOWELL ROAD OPTION FOR
CROSSING OF US-127 FOR THE PROPOSED TRAIL CONNECTING THE DELHI
TOWNSHIP TRAIL SYSTEM TO THE HAYHOE RIVERWALK TRAIL
January 5, 2015**

WHEREAS, the Michigan Trails and Greenways Alliance initiated a feasibility study to determine the most feasible route crossing of US-127 for connecting the Delhi Township Trail System to the Hayhoe Riverwalk Trail in Mason, a portion of the completed pathway to be constructed in the City of Mason; and,

WHEREAS, the feasibility study considered five possible locations to cross US-127 which included Holt Road, Sycamore Creek, the A & B Railroad, Harper Road and Howell Road; and,

WHEREAS, the feasibility study determined that a pedestrian/bicycle bridge located immediately south of the Howell Road Bridge over US-127 was the preferred crossing point as the location provides easy access to the abandoned Hogsback Right-of-Way and allows for traversing Howell Road by going under the roadway bridge on the west side of US-127; and,

WHEREAS, the Howell Road Crossing location is the second most cost effective alternative and would provide a non-motorized connection for the existing neighborhoods, businesses and planned development along Cedar Street, including Dart Corporation Employees, to access County Offices and businesses in Mason as well as offer a commuting option for employees living in Mason; and,

WHEREAS, the proposed trail connector concept is supported by the Mason Master Plan 2014 Update, Mason Five-Year Recreation Plan 2013-2017, and the current Capital Improvement Plan; and,

WHEREAS, on December 8, 2014, the Alaiedon Township Board of Trustees approved a resolution in support of the proposed trail connector.

NOW THEREFORE BE IT RESOLVED, that the City of Mason endorses the location of the Howell Road option for crossing of US-127 for the proposed trail connecting the Delhi Township Trail System to the Hayhoe Riverwalk Trail.

Yes (5) Brown, Droscha, Ferris, Mulvany, Waltz
No (2) Bruno, Clark

RESOLUTION APPROVED

Second Update on Well No. 9 Progression

Baker elaborated on the report he submitted regarding Well No. 9.

MOTION by Brown, second by Droscha,
to approve the recommendation to go out to bid to drill a new well with a 12”
diameter screen set to 400 feet using a barber rig drilling technique.
MOTION APPROVED

UNFINISHED BUSINESS

It was discussed that the sprinkler head was repaired at the Fire Station No. 1.

NEW BUSINESS

Council requested staff to place a discussion item on the next regular meeting agenda to set a date for a visioning work session.

Brown thanked fellow council members for choosing him as Mayor Pro Tem.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

No reports at this time.

COUNCILMEMBER REPORTS

Brown reported that he served as a panelist and speaker at the Michigan Municipal League (MML) Elected Officials training. He spoke regarding open meeting procedures and provided a handbook. He also spoke of future training offered by the MML.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current City business.

ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Deborah J. Cwierniewicz, City Clerk

Mike Waltz, Mayor