

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 1, 2015**

Mayor Waltz called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan, 48854. Councilmember Droscha led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz
Absent: Councilmember: None
Also present: Martin A. Colburn, City Administrator
Deborah J. Cwierniewicz, City Clerk
Eric Smith, Finance Director/Treasurer
David Haywood, Zoning & Development Director
John Stressman, Chief of Police
Tom Hitch, City Attorney

ANNOUNCEMENTS

- Bad Brewing Outdoor Festival – June 6, 2015
- Thursday Night Live – Mason Orchestral Society – June 4, 2015
- Sesquicentennial Trees are available
- Farmers Market – July 11, 2015

PEOPLE FROM THE FLOOR

Seth Waxman of 424 ½ South Jefferson Street, Apartment No. 3 congratulated Mr. Colburn on his new position. He urged Council to use the cognitive interviewing technique in the future, both with Mr. Colburn as he leaves as well as with prospective applicants for the City Administrator position.

CONSENT AGENDA

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

- A. Approval of Minutes - Regular Council Meeting: May 18, 2015
- B. Approval of Bills: \$83,001.05

MOTION APPROVED

REGULAR BUSINESS

Resolution No. 2015-23 – Authorization to Award a Contract to Rieth-Riley Construction Company for the Construction of the Maple Grove Park Riverwalk Pedestrian Bridge and Trailhead Sign

Haywood elaborated on his submitted report.

MOTION by Brown, second by Droscha,
to consider Resolution No. 2015-23 read.

MOTION APPROVED

Resolution No. 2015-23 was introduced by Droscha and seconded by Mulvany.

Discussion was held on the extreme bid for a trash container; it appeared that line item amount was transposed with the line item for soil erosion. It was stated that staff would attempt to attain the answer to that before the meeting adjourned tonight.

MOTION by Bruno, second by Clark,
to table Resolution No. 2015-23 until the bid amount is clarified for the trash container.
MOTION APPROVED

Resolution No. 2015-24 – Amend FY 2014-2015 Budget and Waive the Formal Bid Process to Award the Well No. 8 Repair Project to Layne-Christensen Co.

Baker elaborated on his submitted report regarding replacing the broken motor in Well No. 8.

MOTION by Droscha, second by Ferris,
to consider Resolution No. 2015-24 read.
MOTION APPROVED

Resolution No. 2015-24 was introduced by Droscha and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-24
AMEND FY 2014-2015 BUDGET AND WAIVE THE FORMAL BID PROCESS TO
AWARD WELL NO. 8 REPAIR PROJECT TO LAYNE- CHRISTENSEN CO.
June 1, 2015**

WHEREAS, it is in the best interest of the City of Mason to maintain its well field; and

WHEREAS, it is necessary to replace the broken motor in Well No. 8; and

WHEREAS, this project is recognized as an emergency expenditure, and it is necessary to amend the FY 2014-2015 budget to repair Well No. 8; and

WHEREAS, it is requested by staff to waive the formal bid process.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve amending the FY 2014-2015 budget to appropriate funds for the repair project on Well No. 8; and

FINALLY BE IT RESOLVED, that the Mason City Council does hereby approve waiving the formal bid process and does hereby award Well No. 8 Repair Project to Layne-Christensen Co. in the amount of \$11,401.95.

RESOLUTION APPROVED

Resolution No. 2015-25 – Approval to Award the Drilling of Well No. 9A to Birkmeier Well Drilling

Baker elaborated on his submitted report regarding drilling Well No. 9A.

MOTION by Droscha, second by Ferris,
to consider Resolution No. 2015-25 read.
MOTION APPROVED

Resolution No. 2015-25 was introduced by Droscha and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-25
AWARD THE DRILLING OF WELL NO. 9A TO BIRKMEIER WELL DRILLING
June 1, 2015**

WHEREAS, it is in the best interest of the City of Mason to expand its well field; and

WHEREAS, it is necessary to drill Well No. 9A to maintain our firm capacity; and

WHEREAS, Well No. 9 is budgeted in the FY 2014-2015 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the drilling of Well No. 9A to Birkmeier Well Drilling in the amount of \$42,650.00.

Yes (6) Brown, Clark, Droscha, Ferris, Mulvany, Waltz

No (1) Bruno

RESOLUTION APPROVED

Resolution No. 2015-26 – Approving an Increase to the City of Mason Utility Rates

Council discussed whether the utility rate increase recommended by the Utility Rate Study Commission should be accepted or perhaps the current rate should be maintained, with a revisit of the item the following year.

MOTION by Brown, second by Droscha,
to consider Resolution No. 2015-26 read.

MOTION APPROVED

Resolution No. 2015-26 was introduced by Droscha and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-26
APPROVING AN INCREASE TO THE CITY OF MASON UTILITY RATES
June 1, 2015**

WHEREAS, the City of Mason is anticipating significant capital improvements to the infrastructure of the water system and the sewer system as outlined in the Master Plan, Capital Improvement Plan, Street Improvement Plan, and City of Mason Budget; and

WHEREAS, the most significant capital improvement is a result of an Administrative Consent Order (ACO) from the Michigan Department of Environmental Quality (MDEQ) requiring the City to make significant improvements to the Publicly Owned Treatment Works (POTW) plant; and

WHEREAS, the Mason City Council is charged with assigning a just and reasonable rate for supplying the users of the water system and the sewer system with utility services as the City may provide; and

WHEREAS, the Water and Sewer Fund is a Proprietary Fund which, by definition, is financed primarily by user charges; and

WHEREAS, the Utility Rate Study Commission has met and reviewed the financial statements and the FY 2015/2016 City of Mason Budget submitted by the Finance Department, and recommends the following;

- Water Base Charge will be \$6.22.
- Water Charge will be \$3.62 per 1,000 gallons after the first 2,000 gallons.
- Water Capital Improvement Charge will be \$2.55 per 1,000 gallons of water sold.
- Water Meter Charge will be \$2.56.
- Sewer Base Charge will be \$10.12.
- Sewer Charge will be \$5.10 per 1,000 gallons after the first 2,000 gallons.
- Sewer Capital Improvement Charge will be \$.69 per 1,000 gallons of water sold.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council establishes the above listed rates for the Water and Sewer Fund effective for the first billing period commencing on or after July 1, 2015.

Yes (5) Bruno, Droscha, Ferris, Mulvany, Waltz

No (2) Brown, Clark

RESOLUTION APPROVED

Resolution No. 2015-27 – Authorizing Mayor Waltz and City Administrator Colburn to Sign MDOT Contract Number 15-5241, Job Number 117414A

MOTION by Droscha, second by Brown,
to consider Resolution No. 2015-27 read.

MOTION APPROVED

Resolution No. 2015-27 was introduced by Droscha and seconded by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-27
AUTHORIZING MAYOR WALTZ AND CITY ADMINISTRATOR COLBURN
TO SIGN MDOT CONTRACT NUMBER 15-5241, JOB NUMBER 117414A
June 1, 2015**

WHEREAS, the City of Mason has been awarded Contract Number 15-5241, Job Number 117414A through the Michigan Department of Transportation (MDOT); and

WHEREAS, the contract includes box span signal installation work at the intersections of West Kipp Road with South Jefferson Street and Cedar Street; including signalized and non-signalized crosswalk, concrete sidewalk and sidewalk ramp work; together with necessary related work; and

WHEREAS, the Mason City Council is charged with naming the officials who are authorized to sign said contract.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council authorizes Mayor Waltz and City Administrator Colburn to sign the MDOT Contract Number 15-5241, Job Number 117414A.

RESOLUTION APPROVED

Motion – 1020 East Ash Street – Quote for Demolition Services

Haywood elaborated on his submitted report regarding staff's recommendation to award the quote for demolition services for the structure located at 1020 East Ash Street. Discussion ensued regarding asbestos removal that was done on the house, but not the chimney and roof. Haywood stated that the roofing and flashing was not removed due to the condition of the structure. This will be removed as part of the demolition. It was questioned whether Anderson-Fischer Associates, Inc. were an approved and licensed demolition contractor. Haywood stated that the asbestos abatement contractor said that the roof could come down as part of the demolition. Anderson-Fischer has included asbestos remediation training in their quote.

It was also questioned whether soil restoration would be done.

Discussion was held regarding the issue of whether or not the other bids included groundcover.

MOTION by Clark, second by Bruno,
to table the demolition quote for 1020 East Ash Street until Council has an
opportunity to review the other bids to see if restoration was included.

Yes (5) Brown, Bruno, Clark, Droscha, Ferris

No (2) Mulvany, Waltz

MOTION APPROVED

Discussion – Legal Opinion of Enforceability of Chapter 38, Article II, Regulating Oil and Gas Wells

Mr. Hitch summarized his legal opinion of enforceability of Chapter 38 of Mason Code, Article II, Regulation Oil and Gas Wells. The city's regulation would give the city authority to require a permit and to deny a permit based upon determination of safety, health and welfare concerns.

Based upon statute and case law the city would be prevented from attempting to regulate horizontal drilling when the well head is outside the city and the drilling is some several thousand feet below the surface.

UNFINISHED BUSINESS

Haywood addressed Council to inform them that efforts to reach the employee who prepared the demolition quote spreadsheet were unsuccessful. However, he spoke with City Engineer Don Heck who felt that the trash container and the soil erosion figures were transposed.

MOTION by Brown, second by Droscha,
to take from the table Resolution No. 2015-23.
Yes (5) Brown, Droscha, Ferris, Mulvany, Waltz
No (2) Bruno, Clark
MOTION APPROVED

Council discussed having staff handle clarification of the spreadsheet administratively, and report on how it was handled at the next Council meeting.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2015-23
AUTHORIZATION TO AWARD A CONTRACT TO RIETH-RILEY CONSTRUCTION
COMPANY FOR THE CONSTRUCTION OF THE MAPLE GROVE PARK
RIVERWALK PEDESTRIAN BRIDGE AND TRAILHEAD SIGN
June 1, 2015**

WHEREAS, the City of Mason wishes to replace the existing vehicular bridge in the Maple Grove Park that crosses the Sycamore Creek near the Maple Grove Cemetery offices with a pedestrian bridge, including trailhead sign and improved parking, to serve the Hayhoe Riverwalk trail; and

WHEREAS, the existing bridge is in disrepair and is need of replacement; and

WHEREAS, the City has secured grant funding from a variety of sources to pay for the bridge, including the Michigan Department of Natural Resources, City of Mason Iva Bond Trust, George and Lisa Hayhoe, Tri-County Bicycle Association, Dart Foundation, Elaine Ferris, and Jim Mulvany; and

WHEREAS, bids were received and publicly opened on May 12, 2015; and

WHEREAS, the low bid was from Rieth-Riley Construction Company at \$69,944.95.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council approve the expenditures as part of the Fiscal Year 2015-2016 budget at \$69,944.95 for the construction of a pedestrian bridge, trailhead sign and parking improvements and authorizes the City Administrator signatory authority.

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

RESOLUTION APPROVED

NEW BUSINESS

It was the consensus of Council to have a memorandum compiled of current city projects that would require the attention of an interim city administrator and Council, as well as a report of the decisions that were determined from the second goals and objectives for the year meeting. Lastly, a work session was set for June 15, 2015 at 6:30 p.m. in Chambers to further define the City Council ad hoc committee duties, operational processes and to evaluate how to move forward with current city projects.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

Mulvany informed Council regarding Historic District Commission business.

COUNCILMEMBER REPORTS

None.

ADMINISTRATOR'S REPORT

Colburn informed Council regarding City business.

ADJOURNMENT

The meeting adjourned at 8:50 p.m.

Deborah J. Cwierniewicz, City Clerk

Mike F. Waltz, Mayor