

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF AUGUST 17, 2015**

Mayor Waltz called the meeting to order at 7:45 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan, 48854. He explained that a previous special meeting of Council was held regarding filling the City Administrator position that caused this meeting to be called to order after 7:30 p.m. Councilmember Mulvany led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz  
Absent: Councilmember: None  
Also present: Patrick M. Price, Acting City Administrator  
Deborah J. Cwiertniewicz, City Clerk  
Eric Smith, Finance Director/Treasurer  
John Stressman, Chief of Police

**ANNOUNCEMENTS**

- Mason Brass Quintet – Free Concert – Rotary Stage in Rayner Park – September 20, 2015.
- Pickle Ball – Hayes Park – For more information see Councilmember Mulvany.
- Mason First Methodist Church – Human Trafficking Informational Meeting – Bestsellers – August 18, 2015.
- Mason Sesquicentennial Anniversary Committee – Information Session on 1990 Time Capsule/2015 Time Capsule – Mason Area Historical Museum and Library – August 19, 2015.

**PEOPLE FROM THE FLOOR**

Jennifer Graham of 529 Main Court requested Council to enact a moratorium on Mason Code, Chapter 38, Article II., Oil and Gas Wells, and asked that the City host a town meeting. She provided a copy of her written comments to Council.

Jack Carmichael of 519 South Rogers asked Council to contact Oil and Gas Attorney Jim Olsen. He provided a copy of his statements to the Mayor.

Mayor Waltz asked Mr. Price to forward the written comments to the city attorney.

**PRESENTATIONS**

**Bruce Johnston, Revitalize LLC, with Update of Existing and Potential Future Grants**

Bruce Johnston, Owner of Revitalize, LLC, gave an update of current and prospective downtown revitalization projects, including the 124 and 140 East Ash Street properties. The City and the Robinson family have received a funding commitment from Michigan State Housing Development Authority (MSHDA). The Worman family will be requesting the City to seek funding from MSHDA to renovate the space above the [insert] *former* Dart building for apartments. Information is being gathered to work with Michigan Economic Development Corporation (MEDC) and MSHDA. Discussions are being held with the Wren family to consider restoration options with the second floor above Keans Store. Council thanked Mr. Johnston for his commitment and enthusiasm.

**Chief of Police Stressman Introducing New Police Officer**

Stressman introduced newly hired officer, Alex Thompson.

**CONSENT AGENDA**

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

- A. Approval of Minutes
  - Regular Council Meeting – August 3, 2015
- B. Approval of Bills: \$595,275.18

**MOTION APPROVED**

**REGULAR BUSINESS**

**Second Reading – Nuisance Abatement Ordinance**

MOTION by Brown, second by Droscha,  
to consider the Nuisance Abatement Ordinance read for the second time and  
adopted.

**MOTION APPROVED**

**CITY OF MASON  
ORDINANCE NO. 201  
AN ORDINANCE TO ADD ARTICLE V - NUISANCE ABATEMENT - TO  
CHAPTER 6 OF THE CODE OF THE CITY OF MASON BY DEFINING  
AND PROHIBITING A PUBLIC NUISANCE WITHIN THE CITY OF MASON**

THE CITY OF MASON ORDAINS: Article V - Nuisance Abatement - of Chapter 6 of the Code of  
the City of Mason shall be added to read as follows:

**NUISANCE ABATEMENT**

*Division 1. Generally*

**Sec. 6-210. Public nuisance defined and prohibited.**

(a) *A public nuisance* is defined as follows:

- (1) Any unreasonable interference with a common right enjoyed by the general public. It includes conduct:
  - (a) Which significantly interferes with the safety, health, comfort, peace, convenience or repose of the public;
  - (b) Offends public decency;
  - (c) Significantly interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or
  - (d) In any way renders the public insecure in life or property;
  - (e) Which is known, or should have been known, to be of a continuing nature that produces a permanent or long-lasting, significant effect on these common rights;
- (2) Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this article, or where nuisance is referenced in Chapters 10, 18, 58, 68 and 82.

(b) No person shall commit, create or maintain any public nuisance.

**Sec. 6-211. Enumeration of nuisances.**

The following acts, services, apparatus and structures are hereby declared to be public nuisances:

- (a) The maintenance of any pond, pool of water or vessel holding stagnant water.
- (b) The pollution of any stream, lake or body of water by depositing or permitting to be deposited any refuse, toxic or industrial waste of forcing or discharging into any public or private sewer or drain any stream or gas.
- (c) Any vehicle used for any illegal purpose.
- (d) Betting, bookmaking and all apparatus used in such occupations.
- (e) All gambling devices.
- (f) Gambling houses and all houses kept for the purpose of prostitution or promiscuous sexual intercourse.
- (g) All dangerous, unguarded excavations or machinery in any public place, or left or operated on private property so as to endanger the safety of the public.
- (h) The owning, driving or moving upon any public streets and alleys of trucks or other motor vehicles that are constructed or loaded so as to permit any part of their load or contents to blow, fall or be deposited upon any street, alley, sidewalk or other public or private place, or which deposits from its wheels, tires or other parts, onto the street, alley, sidewalk or other public or private place, dirt, grease, sticky substances or foreign matter of any kind.
- (i) The placing, or causing to be placed, in or on any motor vehicle parked upon any street, alley or other public place within the corporate limits of the city, any paper, posters, signs, cards or other advertising matter.
- (j) The presence of an inoperable motor vehicle or parts of a motor vehicle on any land in violation of the terms of Division 2 of this article.

**Sec. 6-212-220. RESERVED.**

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall become effective twenty days after its adoption, but not before it is published; and

THE CITY OF MASON FURTHER ORDAINS: That this ordinance shall be published within fifteen days after its adoption.

The foregoing Ordinance was moved for adoption by Council Member Brown and seconded by Council Member Droscha with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17<sup>th</sup> day of August, 2015.

ORDINANCE APPROVED

**Resolution – Authorizing City Administrator to Purchase Johnston VT651 Street Sweeper from Houston-Galveston Area Council and Charged to Motor Vehicle Pool Fund**

Mr. Price stated that with the current street sweeper, it takes thirty days to sweep the city. The purchase of new equipment will more efficiently accomplish sweeping the streets in ten days. He added that the city streets have been swept once a year in the past. From here on, the streets will be swept every sixty days, and the central business district every two weeks, as they were when he was the City Administrator in 1999.

MOTION by Brown, second by Droscha,  
to consider *Resolution Authorizing City Administrator to Purchase Johnston VTY51 Street Sweeper from Houston-Galveston Area Council and Charged to Motor Vehicle Pool Fund* read.

Yes (6) Brown, Bruno, Clark, Droscha, Mulvany, Waltz  
No (1) Ferris

MOTION APPROVED

Introduced by Brown, seconded by Droscha, *Resolution Authorizing City Administrator to Purchase Johnston VT651 Street Sweeper from Houston-Galveston Area Council and Charged to Motor Vehicle Pool Fund.*

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2015-41  
RESOLUTION AUTHORIZING CITY ADMINISTRATOR TO PURCHASE JOHNSTON  
VT651 STREET SWEEPER FROM HOUSTON-GALVESTON AREA COUNCIL AND  
CHARGED TO MOTOR VEHICLE POOL FUND  
August 17, 2015**

**WHEREAS**, the City of Mason is in urgent need of replacing its present street sweeper; and

**WHEREAS**, the continuation of using said existing street sweeper is causing unnecessary expense; and

**WHEREAS**, the City Council, at its July 20, 2015, regular Council meeting did authorize the City Administrator to initiate the process for purchasing a new street sweeper; and

**WHEREAS**, the Director of Public Works, based on industry-wide standards and reputation, chose to research and watch demonstrations of three street sweepers: the Elgin Whirlwind (\$265,000), the Johnston VT651 (\$242,000), and the TYMCO Model 600 (\$214,982); and

**WHEREAS**, the City Council did receive a report and recommendation from the Director of Public Works on these three street sweepers.

**NOW, THEREFORE, BE IT RESOLVED**, based on the report and recommendation from the Department of Public Works Director, the Mason City Council does hereby authorize the City Administrator to purchase the Johnston VT651 Vacuum Street Sweeper; and

**BE IT FURTHER RESOLVED**, the City Administrator is authorized to make said purchase from the Houston-Galveston Area Council in the amount of \$242,000, plus the fee (\$1800) that is charged by the H-GAC; and

**BE IT FURTHER RESOLVED**, the purchase price, in ten (10) installments, shall be charged to the Motor Vehicle Pool Fund, with the first installment being made during Fiscal Year 2015-16.

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

No (1) Ferris

RESOLUTION APPROVED

**Motion – Approval of Dart Bank’s Financing Proposal**

Mr. Price stated that with the motor vehicle pool fund financial situation, it is in the best interest of the city to enter into a five-year installment plan to purchase and pay for a new street sweeper.

MOTION by Droscha, second by Brown,  
to approve the interest rate quote of 3.17% from Dart Bank to finance the 2015  
Johnston VT652 Street Sweeper at a total cost of \$242,000.

MOTION APPROVED

**Resolution Recognizing the “Ingham County Animal Control,” a Non-Profit Organization in the City of Mason**

Ingham County Animal Control (ICAC) is seeking a Charitable Gaming License from the State of Michigan Bureau of State Lottery. Approval by City Council states that the Ingham County Animal Shelter is recognized as a nonprofit organization in the community.

MOTION by Brown, second by Droscha,  
to consider the *Resolution Recognizing the "Ingham County Animal Shelter," a Non-Profit Organization in the City of Mason* read.

MOTION APPROVED

Introduced by Bruno and seconded by Clark, *Resolution Recognizing the "Ingham County Animal Shelter," a Non-Profit Organization in the City of Mason*.

 MICHIGAN Lottery  
Michigan Gaming Division  
Box 30025 Lansing, MI 48909  
OVERNIGHT DELIVERY  
101 E. Michigan, Lansing MI 48933  
616.339.2760  
www.michigan.gov/gd

CITY OF MASON  
CITY COUNCIL RESOLUTION 2015-42  
LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES  
(Required by MCL 452.102(K)(1))  
August 17, 2015

At a Regular meeting of the City Council  
called to order by Mayor Waltz on August 17, 2015  
at 7:30 p.m. the following resolution was offered:  
Moved by Bruno and supported by Clark  
that the request from Ingham County Animal Shelter Fund of Mason  
county of Ingham, asking that they be recognized as a  
nonprofit organization operating in the community for the purpose of obtaining charitable  
gaming licenses, be considered for Approval

APPROVAL	DISAPPROVAL
Yeas: <u>7</u>	Yeas: _____
Nays: <u>0</u>	Nays: _____
Absent: <u>0</u>	Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and  
adopted by the Mason City Council at a Regular  
meeting held on August 17, 2015  
SIGNED: Deborah J. Cwierniewicz  
Deborah J. Cwierniewicz, City Clerk  
201 West Ash Street Mason, MI 48854

COMPLETION Required  
FIDELITY: Provide date of application  
BSL CG-115/RR50/11

RESOLUTION APPROVED

**Resolution Regarding City of Mason Responsibilities for Transportation Alternatives Program (Tap) Grant**

MOTION by Brown, second by Droscha,  
to consider the *Resolution Regarding City of Mason Responsibilities for Transportation Alternatives Program (Tap) Grant* read.

MOTION APPROVED

Introduced by Bruno, seconded by Clark, *Resolution Recognizing the "Ingham County Animal Control," a Non-Profit Organization in the City of Mason.*

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2015-43  
RESOLUTION REGARDING CITY OF MASON RESPONSIBILITIES  
FOR TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT  
August 17, 2015**

**WHEREAS**, the City of Mason has been awarded a Federal Grant in the amount of \$39,935 through the Transportation Alternatives Program (TAP), Grant Number 2015045, for the Construction of Hayhoe Riverwalk Trailhead Parking at South Jefferson Street; and

**WHEREAS**, this grant requires a local match for, at a minimum, twenty percent (20%) of the grant amount to be set aside as non-federal match, in addition to further costs required for engineering and contingencies; and

**WHEREAS**, the City of Mason has the necessary public right-of-way as well as a license from Consumers Energy to use its easement for said Trailhead parking; and

**WHEREAS**, this project includes an asphalt parking area, concrete sidewalk, and bicycle racks; and

**WHEREAS**, the City of Mason recognizes that it shall be responsible for the maintenance and upkeep of these items for at least the useful life of this project.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mason City Council hereby certifies that all necessary matching funding has been secured, is available, and has been committed for use on this project, commits to owning, operating, and maintaining all of the above improvements funded with TAP funds, and authorizes the City Engineer to act as the City's agent during project development and to sign any necessary project agreements.

**RESOLUTION APPROVED**

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

A brief discussion was held regarding residents' concerns of oil and gas well drilling. Price stated that he will contact the Michigan Department of Environmental Quality (MDEQ) Supervisor of Wells to obtain his advice on the situation.

**CORRESPONDENCE**

All correspondence was distributed.

**LIAISON REPORTS**

- Mulvany informed Council regarding Historic District Commission business.
- Brown informed Council regarding Planning Commission business.
- Ferris informed Council regarding Tree Commission business.

**COUNCILMEMBER REPORTS**

None.

### **ADMINISTRATOR'S REPORT**

Price informed Council regarding City business. He asked for a brief recess to obtain correspondence he asked to be provided to Council.

Waltz called a brief recess at 8:42 p.m. and the meeting reconvened at 8:45 p.m.

A brief discussion ensued regarding a letter from Dominic Silvio, General Manager of WOW! Internet, Cable and Phone, rate adjustments. It was the consensus of Council to have Mr. Price invite Mr. Silvio to address Council regarding the rate adjustment. Also, he received a letter today from Gerald Richards, Rayner Ponds Estates Community Association (RPECA) Secretary, requesting sidewalk installation that was requested to be completed in 2012. Price stated that it will be done by the end of the month.

### **ADJOURNMENT**

The meeting adjourned at 8:18 p.m.

---

Deborah J. Cwierniewicz, City Clerk

---

Mike F. Waltz, Mayor