

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF MARCH 21, 2016**

Mayor Pro Tem Brown called the meeting to order at 7:32 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, Clark, Droscha, Ferris, Mulvany, \*Waltz  
Absent: Councilmember: Bruno (excused)  
Also present: Deborah S. Stuart, City Administrator  
Deborah J. Cwiertniewicz, City Clerk  
Eric Smith, Finance Director/Treasurer  
Ken Baker, DPW Director

**ANNOUNCEMENTS**

- Good Friday Community Service – First United Methodist Church – Friday, March 25, 2016

**PEOPLE FROM THE FLOOR**

None.

**PRESENTATION**

**Ron Drzewicki, Mason Public Schools Superintendent – Bond and Building/Site Sinking Fund Proposal**

Ron Drzewicki, Mason Public Schools Superintendent gave a presentation regarding the bond proposal and the building and site sinking fund proposal.

\*Waltz arrived at 8:03 p.m.

**PUBLIC HEARING**

**Apportionment for Special Assessment Project 2016-1**

Brown opened the public hearing at 8:04 p.m.

Patrick Hesch of 232 East Cherry Street asked that his property be removed from the 2016 Sidewalk Improvement project. There is a tree in the area designated for replacement. The construction would cause the tree to deteriorate and result in it falling on his house. He would use the technique to pump up the sidewalk and said he had discussed the option with Mr. Baker.

Baker agreed that the sidewalk repair would result in the death of the tree. He stated that he was in favor of pumping up the sidewalk.

Deborah Smith of 323 East Ash Street stated support of sidewalk replacements.

Being there were no further comments from the public, Brown closed the public hearing at 8:11 p.m.

**2016 Sidewalk Improvements, Special Assessment Resolution No. 5, Project 2016-1**

Discussion ensued regarding lowering the interest rate by not charging the 1% administrative fee.

MOTION by Clark, second by Droscha,  
to change the interest rate from 3.5% to 2.5% in 2016 Sidewalk  
Improvements – Special Assessment Resolution 5, Project 2016-1, under the  
now therefore paragraph, number three (3).

Yes (2) Clark, Droscha

No (4) Brown, Ferris, Mulvany, Waltz

Absent (1) Bruno

MOTION FAILED

MOTION by Droscha, second by Ferris,  
to consider 2016 Sidewalk Improvements – Special Assessment Resolution 5,  
Project 2016-1 read.

MOTION APPROVED

2016 Sidewalk Improvements – Special Assessment Resolution 5, Project 2016-1 was introduced  
by Mulvany and seconded by Droscha.

Clark stated that there are other properties on the roll that also have tree roots in the area of  
sidewalk replacement that should receive the same exemption. Discussion ensued noting that a  
hearing was held to receive comment and concerns. Mr. Hesch is present and has conferred with  
Mr. Baker regarding his request.

MOTION by Droscha, second by Ferris,  
to amend 2016 Sidewalk Improvements – Special Assessment Resolution 5,  
Project 2016-1, by removing the property known as 232 East Cherry Street.

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

No (1) Mulvany

Absent (1) Bruno

MOTION [DELETE] FAILED [INSERT] APPROVED

**CITY OF MASON  
2016 SIDEWALK IMPROVEMENTS  
SPECIAL ASSESSMENT RESOLUTION NO. 5  
PROJECT 2016-1  
March 21, 2016**

**WHEREAS**, pursuant to due notice to all interested parties, this City Council met on  
Monday, March 21, 2016, in the City Hall, 201 West Ash Street, Mason, Michigan, for the purpose  
of reviewing the special assessment roll and hearing any objections thereto for the 2016 Sidewalk  
Improvements Special Assessment District - 2016-1; and

**WHEREAS**, at the time and place designated for said meeting, the meeting was duly  
called to order and the opening of the hearing for objections to the special assessment roll,  
prepared by the City Assessor and on file with the City Clerk, was announced, said roll assessing  
the cost of certain sidewalk improvements against the benefiting properties; and

**WHEREAS**, any objections were heard or filed in writing with the City Clerk and the  
following adjustment or corrections, if any, were made; and

**WHEREAS**, the City Council now desires to confirm the special assessment roll attached  
hereto as Exhibit A.

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

1. The City Council hereby designates the special assessment district as the  
“Sidewalk Special Assessment District - 2016-1.”

2. The special assessment roll as prepared and reported to the City Council by the City Assessor shall be designated as the "Special Assessment Roll, Sidewalk Special Assessment District 2016-1" in the final amount of \$24,706.83, and is hereby adopted and confirmed, and the City Clerk is hereby directed to endorse thereon this date of confirmation.

3. The special assessment roll shall be divided into three (3) equal annual installments. The first installment shall be due on July 1, 2016, and the two (2) subsequent installments shall be due on July 1 of the succeeding years thereafter. Special assessments may be paid in full on or before August 31, 2016, without interest. Thereafter, installments of the special assessment roll shall bear interest at the rate of three and a half percent (3.5%) per annum, commencing on September 1, 2016, payable annually on the due date of each installment after the first installment. If any installment is not paid when due then the same shall be deemed to be delinquent and there shall be collected thereon in addition to the interest above provided, a penalty at the rate of one percent (1%) for each month or fraction thereof that the same remains unpaid before being reported for reassessment upon the City tax roll. In the event the City Council determines that it is in the best interest of the district and the City at large to issue bonds pledging the receipts of said special assessment roll and the full faith and credit of the City; then and in that event, the interest on the unpaid installments shall be adjusted to not more than one percent (1%) greater than the average interest rate at which the bonds were sold. Said interest shall be payable annually on each installment due date.

4. Any of the unpaid balance due on the special assessment roll may be paid in full on any installment date, together with interest due to said payment date.

5. The assessments made in said special assessment roll are hereby ordered and directed to be collected. The City Clerk shall deliver the special assessment roll to the City Finance Director/Treasurer with the proper warrant attached, commanding the City Finance Director/Treasurer to collect the assessments therein in accordance with the directions of the City Council with respect thereto, and the City Finance Director/Treasurer is authorized and directed to collect the amounts assessed as they become due pursuant to the terms of this resolution and the provisions of the applicable statutes of the State of Michigan.

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

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

No (1) Clark

Absent (1) Bruno

**RESOLUTION APPROVED**

**CONSENT AGENDA**

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

- A. Approval of Minutes - Regular Council Meeting: March 9, 2016
- B. Resolution – Approval to Award Lease Agreement for City's 124.5 Acre Farm Property on Temple Street and Kipp Road/Dexter Trail to Steve Lott Farms and Services

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2016-09  
APPROVAL TO AWARD LEASE AGREEMENT FOR CITY'S 124.5 ACRE FARM PROPERTY ON  
TEMPLE STREET AND KIPP ROAD/DEXTER TRAIL TO STEVE LOTT FARMS AND SERVICES  
MARCH 21, 2016**

**WHEREAS**, the City of Mason went out for public bids for a lease agreement for the City's 124.5 acre farm property on Temple Street and Kipp Road/Dexter Trail; and

**WHEREAS**, bids were received and publicly opened on March 16, 2016; and

**WHEREAS**, the high bidder is Steve Lott Farms and Services at \$59,892.00.

**BE IT HEREBY RESOLVED** that the Mason City Council awards the lease agreement of \$59,892.00 to Steve Lott Farms and Services and authorizes the City Administrator to negotiate and execute the final terms of the agreement consistent with this resolution.

MOTION APPROVED

## **REGULAR BUSINESS**

### **Approval of Bills**

Administrator Stuart was asked to comment on the city attorney costs. She stated that the attorney continues to work on tax tribunal issues, additional code enforcement issues, FOIA requests, and court cases.

MOTION by Droscha, second by Ferris,  
to approve the bills in the amount of \$41,752.78.

MOTION APPROVED

At this time, Mayor Waltz received the gavel. Waltz stated that he attended the Mason Optimist Youth Day Ceremony where he presented proclamations to each optimist. He announced that March 21, 2016 is Mason Optimist Youth Day in and for the City of Mason.

### **Resolution – Approval to Award the Equipping of Wells No. 9 and No. 10 to Ed Birkmeier Well Drilling Ltd.**

This resolution was deferred from March 9, 2016 to obtain information as to why certain contractors did not bid on the project. Baker stated that not all companies would want to contract this type of project, and that they do not have the personnel to contract the entire project, but rather, sub-contract to perform the work within their capability. The construction of a new well involves a varied range of expertises.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2016-10  
APPROVAL TO AWARD THE EQUIPPING OF WELLS NO. 9 AND NO. 10  
TO ED BIRKMEIER WELL DRILLING LTD.  
MARCH 21, 2016**

**WHEREAS**, the City of Mason went out for public bids for the equipping of wells No. 9 & No. 10; and

**WHEREAS**, bids were received and publicly opened on February 23, 2016; and

**WHEREAS**, the low bidder is Ed Birkmeier Well Drilling Ltd. with a bid of \$248,348.00.

**BE IT HEREBY RESOLVED** that the Mason City Council awards the contract of \$248,348.00 to Ed Birkmeier Well Drilling Ltd. for the equipping of wells 9 and 10 and authorize the City Administrator to execute any documents related to this award consistent with this resolution.

RESOLUTION APPROVED

### **Resolution – Approval to Award the 2016 Wastewater Treatment Plant Improvements to Grand River Construction Company**

MOTION by Droscha, second by Brown,  
to consider City Council Resolution – Approval to Award the 2016 Wastewater Treatment Plant Improvements to Grand River Construction Company read.

MOTION APPROVED

City Council Resolution – Approval to Award the 2016 Wastewater Treatment Plant Improvements to Grand River Construction Company was introduced by Droscha and seconded by Mulvany.

**CITY OF MASON  
CITY COUNCIL RESOLUTION  
APPROVAL TO AWARD THE 2016 WASTEWATER TREATMENT PLANT  
IMPROVEMENTS TO GRAND RIVER CONSTRUCTION COMPANY  
MARCH 21, 2016**

**WHEREAS**, the City of Mason went out for public bids for the 2016 Wastewater Treatment Plant Improvements; and

**WHEREAS**, bids were received and publicly opened on February 9, 2016; and

**WHEREAS**, the low bidder is Grand River Construction Company with a bid of \$2,170,000.00.

**BE IT HEREBY RESOLVED**, that the Mason City Council awards the contract of \$2,170,000.00 to Grand River Construction Company for the 2016 Wastewater Treatment Plant Improvements and authorize the City Administrator to execute any documents related to this award consistent with this resolution.

**RESOLUTION APPROVED**

**First Reading – An Ordinance to Repeal Medical Marihuana Regulations**

Brown gave a brief update of the Planning Commission's determination regarding a proposed ordinance to regulate medical marihuana. The Commission is recommending that Council repeal the existing Medical Marihuana Ordinance. The City is not in the position to take additional lawful action, and determined that it is reasonable that the City could be governed by the State statute at this time.

MOTION by Droscha, second by Ferris,  
to consider City of Mason Ordinance to Repeal Medical Marihuana Regulations read.

**MOTION APPROVED**

**UNFINISHED BUSINESS**

MOTION by Clark, second by Droscha,  
to direct staff to solicit bids for the city attorney.  
Yes (2) Clark, Droscha  
No (4) Brown, Ferris, Mulvany, Waltz  
Absent (1) Bruno

It was the consensus of Council to direct staff to provide a detail of charges and services that have been provided over the past several months by the city attorney.

**NEW BUSINESS**

None.

**CORRESPONDENCE**

All correspondence was distributed.

**LIAISON REPORTS**

- Brown informed Council regarding Planning Commission business.

**COUNCILMEMBER REPORTS**

None.

**ADMINISTRATOR'S REPORT**

Stuart informed Council regarding city business.

**ADJOURNMENT**

The meeting adjourned at 9:09 p.m.

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Deborah J. Cwierniewicz, City Clerk

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Mike Waltz, Mayor