

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 6, 2016**

Mayor Waltz called the meeting to order at 7:50 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. 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: Deborah S. Stuart, City Administrator
Deborah J. Cwiertniewicz, City Clerk
Eric Smith, Finance Director/Treasurer

ANNOUNCEMENTS

Church Rummage Sales: First United Methodist Church – September 9 & 10, and St. James – September 23.

PEOPLE FROM THE FLOOR

None.

PRESENTATION

Proclamation Acknowledging Sergeant Reckling

Mayor Waltz presented a Mayoral Proclamation honoring Sergeant Mark Reckling for his bravery and courage in the discharge of his duties in the protection of the citizens of Mason.

Dennis McKee, Communications Director for Consumers Energy, Discussing Meter Reading Enhancements

Dennis McKee, Communications Director for Consumers Energy informed Council regarding new meter reading technology currently being installed across the state that will process usage by email, rather than employees driving house to house. Customers will be able to check usage on line and the program will notify Consumers of power outages and locations.

CONSENT AGENDA

It was the consensus of Council to remove Consent Agenda Item (F) Motion – Street Closure Request – Benedict Auto Body – Customer Appreciation Day to Regular Business.

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

- A. Motion – Approval of Minutes: Regular Council Meeting: August 15, 2016
- B. Approval of Bills in the Amount of \$ 595,855.32
- C. Motion – Streets Closure Request – Mason Area Chamber of Commerce (MACC) - Down Home Days
Approve the request of MACC to close Maple Street between Barnes and Jefferson streets and Barnes Street between Maple and Ash streets to allow the annual community event, Down Home Days, to be held on Saturday, September 17, 2016 between 9:30 a.m. – 4:30 p.m. and to waive all fees.
- D. Motion – Request to Occupy the Sidewalk – Cub Scout Pack 770 – Fundraiser
Approve the request of Cub Scout Pack 770 to occupy the sidewalk in front of Beaches Tanning for the purpose of fundraising by selling popcorn on the following dates:
 - Friday, September 16, 2016 from 4:00 p.m. to 8:00 p.m.
 - Friday, September 30, 2016 from 4:00 p.m. to 8:00 p.m.

- Friday, October 21, 2016 from 4:00 p.m. to 8:00 p.m.
 - Saturday, October 22, 2016 from 10:00 a.m. to 4:00 p.m.
 - Friday, November 4, 2016 from 4:00 p.m. to 8:00 p.m.
 - Saturday, November 5, 2016 from 10:00 a.m. to 4:00 p.m.
- E. Motion – Streets Closure Request – Compete for a Cause 5K Fun Run Race
Approve the use closure of streets for the Compete for a Cause 5K Fun Run Race, September 17, 2016, between 9:00 a.m. and 11:00 a.m. as shown on the map.
- F. Motion – Streets Closure Request – Mason High School Homecoming Parade
Approve the use of Oak, Jefferson, Maple, and Barnes Streets for the Mason High School Homecoming Parade, October 7, 2016, between 5:00 p.m. and 7:00 p.m.
- G. Resolution – Authorizing Changes to the MERS Benefits for AFSCME Members Per the Approved Contract
Introduced by Droscha, second by Mulvany. (Resolution No. 2016-32)

CITY OF MASON
CITY COUNCIL RESOLUTION
SEPTEMBER 6, 2016

Defined Benefit Plan Adoption Agreement

1134 Municipal Way Lansing, MI 48917 | 800.767.MERS (6377) | Fax 617.703.9711



www.mersofmich.com

The Employer, a participating municipality or participating court within the state of Michigan, hereby agrees to adopt and administer the MERS Defined Benefit Plan provided by the Municipal Employees' Retirement System of Michigan, as authorized by 1996 PA 220, in accordance with the MERS Plan Document, as both may be amended, subject to the terms and conditions herein.

I. Employer Name _____ **Municipality #:** _____

If new to MERS, please provide your municipality's fiscal year: _____ Month _____ through _____ Month _____.

II. Effective Date

Check one:

A. If this is the **initial** Adoption Agreement for this group, the effective date shall be the first day of _____, 20____.

This municipality or division is new to MERS, so vesting credit prior to the **initial** MERS effective date by each eligible participant shall be credited as follows (choose one):

- All prior service from date of hire
- Prior service proportional to assets transferred; all service used for vesting
- Prior service and vesting service proportional to assets transferred
- No prior service but grant vesting credit
- No prior service or vesting credit

Link this new division to division number _____ for purposes of determining contributions (Unless otherwise specified, the standard transfer/rehire rules apply)

B. If this is an **amendment** of an existing Adoption Agreement (Defined Benefit division number _____), the effective date shall be the first day of _____, 20____. *Please note:* You only need to mark **changes** to your plan throughout the remainder of this Agreement.

C. If this is a **temporary benefit** that lasts 2-6 months, the effective dates of this temporary benefit are from ___/01/___ through ___/___/___ for Defined Benefit division number _____.
Last day of month
Please note: You only need to mark **changes** to your plan throughout the remainder of this Agreement.

D. If this is to **separate employees** from an existing Defined Benefit division (existing division number(s) _____) into a new division, the effective date shall be the first day of _____, 20____.

E. If this is to merge division(s) _____ into division(s) _____, the effective date shall be the first of _____, 20____.

Form DG-002 (version 2014-10-2)

Page 1 of 6

- (FULL MERS RESOLUTION ATTACHED)
- H. Resolution – Authorizing Mayor Waltz and City Administrator Stuart to Sign MDOT Contract for the Jefferson Street Trailhead Project
Introduced by Droscha, second by Mulvany.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2016-34
AUTHORIZING MAYOR WALTZ AND CITY
ADMINISTRATOR STUART TO SIGN MDOT CONTRACT
FOR THE JEFFERSON STREET TRAILHEAD PROJECT
September 6, 2016**

WHEREAS, the City of Mason has been awarded Contract Number 16-5371, Job Number 33468-127748 through the Michigan Department of Transportation (MDOT);

WHEREAS, the contract includes construction of a paved trailhead on South Jefferson; 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 Stuart to sign the MDOT Contract Number 16-5371, Job Number 33468-127748.

MOTION APPROVED

MOTION by Droscha, second by Brown,
to amend the agenda by moving Item No. 8(D) Resolution – Action Related to J & J Properties of Mason, LLC v Mason Public Schools to 8(A)

MOTION APPROVED

REGULAR BUSINESS

Resolution – Action Related to J & J Properties of Mason, LLC v Mason Public Schools

Attorney Hitch informed Council regarding the action related to J & J Properties of Mason, LLC versus Mason Public Schools. A brief discussion ensued.

Mr. George Hayhoe of 2552 Timber Meadow Court in Lansing confirmed that the storm water improvement project occurred in 1994 when the Council inquired.

MOTION by Mulvany, second by Droscha,
to consider Resolution – Action Related to J & J Properties of Mason, LLC v
Mason Public Schools read.

MOTION APPROVED

Introduced by Droscha and seconded by Mulvany, Resolution - Action Related to J & J Properties of Mason, LLC v Mason Public Schools

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2016-33
A RESOLUTION AUTHORIZING THE CITY TO EXECUTE A LICENSE AGREEMENT WITH
JACKSON & LANSING RAILROAD COMPANY AND AN EASEMENT AGREEMENT WITH
CONSUMERS ENERGY, AND AUTHORIZING THE CITY ATTORNEY TO TAKE THE
REQUIRED STEPS TO INTERVENE IN *J & J PROPERTIES OF MASON, LLC v MASON
PUBLIC SCHOOLS, ET AL*, INGHAM COUNTY CIRCUIT COURT FILE NO. 13-1269-CK, IN
ORDER TO FACILITATE THE RESOLUTION OF THE LITIGATION
September 6, 2016**

WHEREAS, the City of Mason has previously authorized the City Attorney to participate in and seek to facilitate the resolution of the above-referenced litigation involving the Mason Public Schools;

WHEREAS, the parties to that litigation, Capex Land Company, Inc., and the City of Mason have determined that constructing a stormwater drain on and across property in the vicinity of Mason High School will lead to the settlement of said litigation;

WHEREAS, the City Attorney has provided a memorandum outlining the steps necessary to assist in bringing the litigation to a successful conclusion;

WHEREAS, the City of Mason believes it is in its best interest to continue the assistance of the parties in resolving the litigation and the construction of a storm water drain near Mason High School.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council agrees to enter into the License Agreement with the Jackson &

Lansing Railroad Company and the Easement Agreement with Consumers Energy, copies of which are attached hereto, and hereby authorizes the Mayor and City Clerk to sign said agreements on behalf of the City of Mason.

2. The City of Mason hereby agrees to enter the above-referenced litigation as a party defendant for the sole purpose of facilitating the construction of the stormwater drain that is the subject of said litigation, and consents to be bound by orders that may be issued by the court that pertain to the settlement in this action.

3. The City Attorney is authorized to agree to terms of a settlement outlined in the City Attorney memorandum dated August 30, 2016, a copy of which is attached, but, other than the fees for the City Attorney, the City of Mason shall be liable for no costs or fees associated with the engineering, construction, and inspection of the stormwater drain.

4. Upon final inspection and approval by the City Engineer of the storm drainage project, the City shall assume ownership and maintenance of the storm drain.

RESOLUTION APPROVED

Discussion – Canceling City Council Meetings (Document provided separately)

Attorney Hitch spoke to his legal opinion provided regarding the ability to cancel Council meetings under Section 6.1 of the City Charter. In his opinion, it is a mandatory duty of Council to hold two meetings per month.

City Attorney Hitch stated that Councilmember Clark consulted him on the matter of voting on the street closure request by Benedict Body Shop to disclose to Council that his band has been requested to perform for the event. Hitch stated that there is no conflict of interest.

At this time, Attorney Hitch was excused from the meeting.

MOTION by Brown, second by Droscha,
to accept the city attorney's opinion regarding and place it on file.
MOTION APPROVED

Motion – Authorizing the Rejection of the Proposal from Capital Regional Airport Authority (CRAA) to Manage Jewett Field

Stuart commented on her report to Council regarding Jewett Airport recommending that the Council reject the proposal. She gave a detailed explanation of the matters she researched. She spoke of the current budget and the need to give consideration to the future budget before committing to a significant responsibility such as this. She provided the airport's proposal and her evaluation of the proposal. A lengthy and considerable discussion ensued regarding all areas and matters as well as pros and cons of assuming management of the airport. She informed the airport of her recommendation. Jewett representatives were unable to attend, but asked if Council did not move forward at this time that they would be open to reconsidering it at a future time.

MOTION by Droscha, second by Bruno,
to authorize the rejection of the proposal from Capital Regional Airport Authority (CRAA) to manage Jewett Field.
MOTION APPROVED

Motion – Streets Closure Request – Benedict Auto Body – Customer Appreciation Day

Clark informed Council that his band had been hired to entertain for Benedict's Body Shop Customer Appreciation Day event. He questioned the need for police coverage at this event.

Administrator Stuart informed Council that it was an error and police coverage is not needed for this event.

MOTION by Brown, second by Droscha,
to approve the request of Darrell Benedict to close Maple Street from the east
corner of his property, located at 246 W. Maple Street, to Lansing Street on
Saturday, September 17, 2016, from 2:30 p.m. to 9:00 p.m.

MOTION APPROVED

UNFINISHED BUSINESS

Discussion – ORV Ordinance – Bruno

Bruno informed Council that the Traffic Commission recommended adoption an ORV ordinance. He gave a brief history of the law allowing the use, stating that as much as he is in favor of the use, Chief Stressman is opposed the use. Bruno informed Council that the city owns and operates this type of vehicles that need to be licensed and subject to the ordinance. He provided a basic ordinance that has been used by Clare County townships for consideration. A brief discussion was held.

MOTION by Clark, second by Bruno,
to direct staff to model a draft ordinance based on the information provided by
Councilmember Bruno for further review.

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

No (2) Ferris, Mulvany

MOTION APPROVED

Clark asked Administrator Stuart for an update regarding Rayner Park. Stuart stated that a meeting would be held in the next couple of weeks to discuss the findings of parking needs for the County Fair.

NEW BUSINESS

Droscha suggested investigating the costs of installing baskets back in the Rayner Park Disc Golf area. Also, he suggested that efforts be made for the use of the Rayner Park stage.

CORRESPONDENCE

All correspondence was distributed.

LIAISON REPORTS

No reports at this time.

COUNCILMEMBER REPORTS

No reports at this time.

ADMINISTRATOR'S REPORT

Stuart informed Council regarding City business. She stated that Mobilitie has interest in expanding their network in the city. She attended the Michigan Downtown Association Conference regarding Green Communities. The leadership team has developed a Mission, Vision, and Value Statement for the purpose of operating as a unified organization.

CLOSED SESSION - CITY ADMINISTRATOR'S EVALUATION.

MOTION by Brown,
to adjourn to closed executive session to consider the City Administrator's
Evaluation.

Yes (7) Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz

No (0)

MOTION APPROVED

Council adjourned to executive session at 9:10 p.m. and reconvened at 9:36 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:36 p.m.

Deborah J. Cwierniewicz, City Clerk

Michael F. Waltz, Mayor