

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF DECEMBER 5, 2016**

Mayor Waltz called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan, 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

**ANNOUNCEMENTS**

- Annual Pearl Harbor Remembrance Day at the Monument Site on the Court House Square – December 7, 2016 at 12:55 p.m.
- Library Open House – December 8, 2016
- Mason Area Chamber of Commerce Holiday Party & Member Mixer – December 8, 2016

**PEOPLE FROM THE FLOOR**

None.

**CONSENT AGENDA**

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

- A. Approval of Minutes: Regular Council Meeting: November 21, 2016
- B. Approval of Bills in the Amount of \$704,888.37
- C. Motion – Amend the 2016-2017 Fiscal Year Budget

**MOTION APPROVED**

**REGULAR BUSINESS**

**Ordinance – Introduction and First Reading of Prohibitive Vegetation Regulation Ordinance**

MOTION by Droscha, second by Brown,  
to introduce Prohibitive Vegetation Regulation Ordinance and consider it read for  
the first time.

**MOTION APPROVED**

Discussion was held regarding the definitions of prohibitive weeds and consideration for property owners who are on vacation.

**UNFINISHED BUSINESS**

**Resolution – Accept the Remainder of Change Order No. 1 in the Amount of \$11,988.28 for Alterations to the 2016 Waste Water Treatment Plant Improvements**

Stuart commented that the resolution presented at the December 19 meeting consisted of three separate change orders for alterations to the 2016 Waste Water Treatment Plant. One item, to relocate the force main at the waste water treatment plant in the amount of \$1,122.15 was approved by motion at that meeting. However, the resolution was not approved or denied, resulting in no consideration on the remaining two items. The resolution presented tonight consists of the two remaining change order items. She stated that due to the \$15,000 credit, a budget amendment would not be necessary.

MOTION by Brown, second by Droscha,  
to consider the resolution, Accept the Remainder of Change Order No. 1 in the

amount of \$11,988.28 for Alterations to the 2106 Waste Water Treatment Plant Improvements, read.  
MOTION APPROVED

Clark stated that the \$15,000 credit would not be granted to the City if the 11,988.28 was assumed for plan omissions. It is understood that there are unforeseen items that will affect the construction. However, an omission on the plans is not the responsibility of the City.

Peter Brink of Prein and Newhof explained that the two remaining items omitted from the plans are necessary to complete the project and it is an appropriate amount of money for the work involved. He stated that an error in the plan would not be the responsibility of the City. However, this oversight is necessary for completing the project. He expressed that they are ahead of the curve for a project of this size for the reason that a single change order has just occurred when the project is 90% complete.

Waltz stated that he accepted that mistakes happen and trusts staff review and the City Administrator recommendation to approve the remaining change orders. He stated that Council had a responsibility to Mason residents, surrounding townships, as well as the Local Development Finance Authority to complete the project. Mulvany stated that he felt the Council should maintain a good relationship with the company that gave a low bid and approve the resolution. After further discussion, Mulvany called the question.

Introduced by Droscha and second by Brown the resolution, Accept the Remainder of Change Order No. 1 in the Amount of \$11,988.28 for Alterations to the 2016 Waste Water Treatment Plant Improvements.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2016-46  
ACCEPT THE REMAINDER OF CHANGE ORDER NO. 1 IN THE AMOUNT OF \$11,988.28 FOR  
ALTERATIONS TO THE 2016 WASTE WATER TREATMENT PLANT IMPROVEMENTS  
December 5, 2016**

**WHEREAS**, in March of 2016 the Mason City Council approved Resolution 2016-11.1 to accept a bid of \$2,170,000.00 to perform the 2016 Waste Water Treatment Plant Improvements;

**WHEREAS**, during the construction process it was discovered that some alterations and additions would be necessary for the headworks project to operate properly;

**WHEREAS**, the force main extension was approved at the November 21 City Council meeting for \$1,122.15 as part of this change order; and

**WHEREAS**, the remaining \$11,989.28 related to the local control panel are necessary for the project.

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council approves the expenditure as part of the Fiscal Year 2016-2017 budget, with the Change Order No. 1 increase of \$11,988.28 and authorizes the City Administrator signature authority.

Yes (4) Brown, Ferris, Mulvany, Waltz

No (3) Bruno, Clark, Droscha

RESOLUTION APPROVED

Bruno asked about the time frame for the proposed ORV Ordinance. Stuart stated that staff and attorney reviews have been completed and it will be presented for consideration on the December 19 agenda.

**NEW BUSINESS**

None.

**CORRESPONDENCE**

All correspondence was distributed.

**LIAISON REPORT**

Brown informed Council regarding business of the City of Mason and Vevay Township Planning Commission.

**COUNCILMEMBER REPORT**

Droscha reported on the 21<sup>st</sup> Century Infrastructure Commission Report that was released by the State of Michigan today.

**ADMINISTRATOR’S REPORT**

Stuart informed Council regarding City business. She stated that the deed for Rayner Park has been recorded and the park is now owned by the City of Mason. The application for the trail extension has been submitted to Ingham County. She stated that she is considering rental proposals for underutilized space in City Hall and asked Council to let her know if there are any thoughts or concerns that could be discussed. Three new employees are being considered for vacant city positions: a police officer, a laborer, and a water plant operator.

**MOTION – ADJOURN TO CLOSED EXECUTIVE SESSION TO DISCUSS PERFORMANCE AND CONTRACT NEGOTIATIONS**

MOTION by Brown,  
to adjourn to Closed Session per the Open Meetings Act to discuss performance appraisal and contract negotiations of the City Administrator.  
Yes (7) Brown, Bruno, Clark, Droscha, Ferris, Mulvany, Waltz  
No (0)  
**MOTION APPROVED**

The meeting adjourned to Closed Session at 8:28 p.m.

**MOTION – RECONVENE TO OPEN SESSION**

MOTION by Brown, second by Droscha,  
to reconvene to open session.  
**MOTION APPROVED**

The meeting reconvened at 9:28 p.m.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 9:29 p.m.

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Deborah J. Cwierniewicz, City Clerk

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Michael F. Waltz, Mayor