

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF JUNE 18, 2007**

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

Present: Councilmembers: Bruno, Clark, Mulvany, Naeyaert, Preadmore, \*Waltz, Whipple  
Also present: Martin Colburn, City Administrator  
Kathy Revels, Finance Director/Treasurer  
Dennis McGinty, City Attorney  
Deborah Cwierniewicz, Deputy City Clerk

**APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: June 4, 2007**

The Minutes of June 4, 2007 were approved as submitted.

**APPROVAL OF BILLS**

MOTION by Bruno, second by Whipple,  
to approve the payment of bills in the amount of \$143,896.97 as submitted.  
**MOTION APPROVED UNANIMOUSLY**

Mulvany informed the Council that he would dismiss himself following the last business item to continue his vacation with his family.

**PEOPLE FROM THE FLOOR**

None.

**REGULAR BUSINESS**

**Resolution No. 2007-27 – Appointment to Fill Council Vacancy**

MOTION by Bruno, second by Naeyaert,  
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.  
Yes (3) Naeyaert, Bruno, Clark  
No (3) Preadmore, Whipple, Mulvany  
**MOTION FAILED**

MOTION by Whipple, second by Preadmore,  
to consider Resolution No. 2007-27 as read with the appointment of Mike Waltz.  
Yes (3) Mulvany, Preadmore, Whipple  
No (3) Bruno, Clark, Naeyaert  
**MOTION FAILED**

Discussion was held to defer Resolution No. 2007-27 after the last business item. It was the consensus of the Council to continue efforts to fill the vacancy at this time. McGinty suggested that the Body should continue until the vacancy is filled, either at this meeting or another meeting until a majority vote is reached on a candidate. Although there are no sanctions if a majority vote cannot be obtained, the City Charter is mandatory that an appointment is made within thirty days of a vacancy and the sense of the Charter is that the Body focuses on a majority vote until the vacancy is filled. An individual other than those who submitted letters of interest and resumes may be nominated.

Discussion ensued. Whipple asked City Attorney McGinty if a motion offered for the second time was a motion to reconsider. McGinty responded that it is appropriate to renew the motion until a consensus is met or someone moves to set this matter aside and come back to it later. Robert's Rules of Order does not fit regarding reconsideration in this situation.

Discussion ensued regarding reappointing Mr. Johnson to the Council. He was appointed in 2003, and when that term expired in 2006 he ran for office and was defeated. It was debated that a second appointment would allow a person to serve throughout two terms without being elected by the people. Yet, had the vacancy occurred a few months earlier, he would have been the appointee by Charter with the next highest number of votes cast for Council candidate.

It was noted that for that reason, Mr. Johnson was the people's next choice. Other reasons noted was that he was the only candidate that had gone through the petition process in May and running for office in November, he has experience serving on the Council and is in familiar serving on Council as well with the current issues. It was also stated that it would be important for the newly appointed Councilmember to "hit the ground running" with the significant issues the Council is facing and the abbreviated term.

MOTION by Bruno, second by Naeyaert,  
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.  
Yes (3) Bruno, Clark, Naeyaert  
No (3) Mulvany, Preadmore, Whipple  
MOTION FAILED

Discussion continued regarding the qualifications and experience of Mr. Johnson and Mr. Waltz.

MOTION by Whipple, second by Mulvany,  
to consider Resolution No. 2007-27 as read with the appointment of Mike Waltz.  
Yes (3) Mulvany, Preadmore, Whipple  
No (3) Bruno, Clark, Naeyaert  
MOTION FAILED

Bruno suggested deferring Resolution No.2007-27 to the end of business if there is not a consensus with the next vote A brief discussion ensued.

MOTION by Bruno, second by Naeyaert,  
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.  
Yes (3) Bruno, Clark, Naeyaert  
No (3) Mulvany, Preadmore, Whipple  
MOTION FAILED

Whipple stated that he would offer his next choice of Jon Droscha, being that the Council was unable to meet a consensus. Discussion ensued regarding Mr. Droscha's qualifications.

MOTION by Whipple, second by Preadmore,  
to consider Resolution No. 2007-27 as read with the appointment of Jon Droscha.  
Yes (2) Mulvany, Whipple  
No (4) Bruno, Clark, Naeyaert, Preadmore,  
MOTION FAILED

MOTION by Bruno, second by Naeyaert,  
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.  
Yes (3) Bruno, Clark, Naeyaert  
No (3) Mulvany, Preadmore, Whipple

MOTION FAILED

MOTION by Bruno, second by Naeyaert,  
to defer Resolution No. 2007-27 after Agenda Item No. 7(I).  
MOTION APPROVED UNANIMOUSLY

**Resolution No. 2007-28 – Designate Authorizing Signatories**

Resolution No. 2007-28 was introduced by Preadmore and seconded by Bruno.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2007-28  
DESIGNATE AUTHORIZING SIGNATORIES  
June 18, 2007**

**RESOLVED**, that Mason State Bank and Dart National Bank, as designated depositories of the City of Mason, be, and it is hereby requested, authorized, and directed to honor checks, drafts, or other orders for the payment of money drawn in the City's name, including those payable to the individual order of any persons whose names appear thereon as signers thereof, when bearing or purporting to bear the facsimile signatures of the two following names: Martin A. Colburn, City Administrator; Kathy L. Revels, Finance Director/Treasurer, and the above banks shall be entitled to honor and charge the City of Mason for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signatures thereon may have been affixed thereto, if such signature resembles the facsimile specimens duly certified to or filed with the above banks by the Clerk of the City of Mason.

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple

No: (0)

RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2007-29 – Amend the 2006-2007 Fiscal Year Budget**

Resolution No. 2007-29 was introduced by Bruno and seconded by Preadmore.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2007-29  
AMEND THE 2006-2007 FISCAL YEAR BUDGET  
June 18, 2007**

**BE IT HEREBY RESOLVED** by the City Council of the City of Mason that the 2006-2007 fiscal year Budget is hereby amended as per the attached "Exhibit A."

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple

No: (0)

RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2007-30 – Return Delinquent Water and Sewer Bills to the July 2007 Tax Roll**

Resolution No. 2007-30 was introduced by Preadmore and seconded by Bruno.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2007-30  
RETURN DELINQUENT WATER AND SEWER BILLS TO THE JULY 2007 TAX ROLL  
June 18, 2007**

**BE IT HEREBY RESOLVED** by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Delinquent Water and Sewer Bills, to the July 2007 Tax Roll, pursuant to Mason City Code Section 82-246 (a).

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple

No: (0)

**Resolution No. 2007-31 – Levy 1% Tax Administration Fee**

Resolution No. 2007-30 was introduced by Bruno and seconded by Preadmore.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2007-31  
LEVY 1% TAX ADMINISTRATION FEE  
June 18, 2007**

**BE IT HEREBY RESOLVED** by the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all county, school, Intermediate school, State education, Capital Area District Library and Lansing Community College taxes levied on the July and December 2007 tax rolls of the City of Mason;

**FURTHER RESOLVED**, that the City Treasurer is hereby authorized to collect 4% penalty on any taxes that remain unpaid from the July tax roll after August 31, 2007 and 3% penalty from the December tax roll after February 14, 2008.

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple

No: (0)

RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2007-32 – Return Miscellaneous Bills to the July 2007 Tax Roll**

Resolution No. 2007-32 was introduced by Preadmore and seconded by Bruno.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2007-32  
RETURN MISCELLANEOUS BILLS TO THE JULY 2007 TAX ROLL  
June 18, 2007**

**BE IT HEREBY RESOLVED** by the City Council of the City of Mason that the City Treasurer is hereby authorized to return the attached "Exhibit A" entitled Miscellaneous Bills, to the July 2007 Tax Roll.

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple

No: (0)

RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2007-33 – Resolution Objecting to the Transfer of Parcel No. 33-19-10-05-352-007 and Request to Obtain Parcel No. 33-19-10-04-351-031 From the County Treasurer**

Resolution No. 2007-33 was introduced by Bruno, and seconded by Preadmore. Bruno stated that he is not in favor of obtaining Parcel No. 33-19-10-04-351-031 due to the maintenance and expense. He stated that an easement would need to be obtained for the water main that runs through Parcel No. 33-19-10-04-351-031.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2007- 33  
RESOLUTION OBJECTING TO THE TRANSFER OF PARCEL 33-19-10-05-352-007 AND  
REQUEST TO OBTAIN PARCEL 33-19-10-04-351-031 FROM THE INGHAM COUNTY TREASURER  
June 18, 2007**

**WHEREAS**, Public Act 123 of 1999, hereinafter sometimes referred to as the "Act", established an expedited process whereby property on which taxes have not been paid could be sold for unpaid taxes; and

**WHEREAS**, the Act creates a series of stages through which a property on which the taxes have not been paid must pass before that property can be sold; and

**WHEREAS**, the Act allowed each county in the State of Michigan to decide whether its treasurer or the State of Michigan would act as the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold; and

**WHEREAS**, the Act refers to the governmental entity responsible for overseeing the stages through which a property on which the taxes have not been paid must pass before the property is sold as the foreclosing governmental unit; and

**WHEREAS**, pursuant to a concurring resolution of the County Board of Commissioners, the Treasurer of Ingham, (hereinafter referred to as the "Treasurer"), is the foreclosing governmental unit under the Act with authority to take all actions, judicial or otherwise, required under the Act in order to sell property on which taxes have not been paid in Ingham County; and

**WHEREAS**, one of the stages through which a property on which the taxes have not been paid must pass before the property is sold in foreclosure; and

**WHEREAS**, pursuant to the Act fee simple title to a property on which the Treasurer has foreclosed vests in the Treasurer effective on the March 31 immediately succeeding the hearing for uncontested cases or 10 days after the conclusion of the hearing for contested cases; and

**WHEREAS**, the Act proscribes how the Treasurer is to dispose of property obtained by foreclosure; and

**WHEREAS**, the Act requires that the Treasurer give a list to the Clerk of Mason which list shall contain all the property in that city on which the Treasurer has foreclosed that has not been sold prior to December 1 of the year in which it is foreclosed upon; and

**WHEREAS**, the list of properties for the current year are as follows:

33-19-10-04-351-031  
33-19-10-05-352-007

**WHEREAS**, unless the City of Mason objects in writing, the Act requires the Treasurer to transfer to that City fee simple title to the property on that list; and

**WHEREAS**, the City of Mason may, in the future, receive from the Treasurer a list of property that will be transferred to it if it does not object; and

**WHEREAS**, the City of Mason does wish to obtain from the Treasurer one property, parcel 33-19-10-04-351-031, and does not wish to obtain from the Treasurer one property parcel 33-19-10-05-352-007 upon which the Treasurer may foreclose because the cost of maintaining such property will exceed any benefit that will be obtained.

**NOW THEREFORE BE IT RESOLVED**, that the City of Mason wishes to exercise its option under the Act to object to the transfer of one property known as 33-19-10-05-352-007 to be foreclosed upon by the Treasurer but not sold; and

**BE IT FURTHER RESOLVED**, that the City of Mason wishes this objection to be effective for parcel 33-19-10-05-352-007, upon which the Treasurer will foreclose this year, and does desire to obtain parcel 33-19-10-04-351-031, to be used for public purpose, at a cost of delinquent taxes in the amount of \$1,233.06; and

**FINALLY RESOLVED**, that the Mason City Council authorizes the Mayor and City Administrator signatory authority to take ownership of parcel 33-19-10-04-351-031 on behalf of the City of Mason.

Yes (5) Clark, Mulvany, Naeyaert, Preadmore, Whipple

No: (1) Bruno

RESOLUTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Whipple,  
to amend the Agenda by moving Item No. 14 Executive Session – AFSCME Contract Negotiations to Item No. 7(H), inserting Item No. 7(K), moving Item No. 13 People From The Floor to Item No. 7(K), and defer Resolution No. 2007-27 to Agenda Item No. 7(L), and appropriately adjusting the remaining agenda items.

MOTION by Preadmore, second by Whipple,

to amend the main motion by adding Item No. 13 People From the Floor.  
AMENDED MOTION APPROVED UNANIMOUSLY

Vote on the Main Motion:  
MOTION APPROVED UNANIMOUSLY

**Executive Session – Attorney/Client Privileged Communication**

Motion by Bruno, second by Preadmore,  
to adjourn to executive session to discuss the AFSCME contract negotiations.  
Yes (6) Mulvany, Naeyaert, Preadmore, Whipple, Bruno, Clark  
No (0)  
MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:57 p.m. and reconvened at 9:23 p.m.

**Resolution No. 2007-34 – AFSCME Agreement**

Resolution No. 2007-34 was introduced by Preadmore and seconded by Bruno.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2007-34  
AFSCME AGREEMENT  
June 18, 2007**

**BE IT HEREBY RESOLVED** by the Mason City Council that it does hereby ratify an Agreement between the City of Mason and Mason City Employees, Chapter of Local #1390, Council 25, American Federation of State, County and Municipal Employees, dated July 1, 2007 – June 30, 2010; and

**BE IT FURTHER RESOLVED**, the Mayor and City Administrator are hereby authorized to execute said Agreement on behalf of the City Council.

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple  
No: (0)  
RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2007-35 – A Resolution Regarding Uniform Video Franchise**

McGinty gave a brief overview of the uniform video franchise agreement. Discussion was held regarding the fee. Colburn explained that increasing the current 3% fee to 3.5% would provide the needed funds for equipment when the new city hall is constructed. Resolution No. 2007-35 was introduced by Bruno and seconded by Preadmore.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2007-35  
A RESOLUTION REGARDING UNIFORM VIDEO FRANCHISE  
June 18, 2007**

WHEREAS, the City of Mason is the local franchise authority under an existing cable television franchise agreement between the City of Mason and Millennium Digital Media Systems, LLC (“Millennium”), originally executed November 21, 1994; and

WHEREAS, Millennium was a video service provider in the city under an existing franchise agreement in effect on the effective date of Act 480; and

WHEREAS, the Uniform Video Services Local Franchise Act, 2006 PA 480, adopted by the Michigan legislature effective January 1, 2007, required the Michigan Public Service Commission to issue an order establishing a standardized form for the uniform video services local franchise agreement to use by all franchising entities in Michigan; and

WHEREAS, on May 31, 2007, Millennium submitted a Uniform Video Service Local Franchise Agreement to the City Clerk in the form published by the MPSC; and

WHEREAS, the submitted franchise leaves the amount of the local franchise fee to be paid pursuant to paragraph VI - Fees, subparagraph A(1) to be an amount as established by the City as franchise entity; and

WHEREAS, the City Council has determined that the amount of the franchise fee to be paid to the City by a video service provider under Act 480 shall be 3.5% of gross revenues as defined in the Act; and

WHEREAS, subsection 3(3) of Act 480 provides that if the franchising entity does not notify the provider regarding the completeness of the franchise agreement or approve the agreement within the time periods required under subsection (3), the agreement shall be considered complete and the franchise agreement approved; and

WHEREAS, subsection 6(8) of Act 480 allows the franchising entity to establish a fee to be paid for PEG services in the community in an amount not to exceed the fees currently paid by the incumbent provider, not to exceed 2% of gross revenues;

NOW, THEREFORE, BE IT RESOLVED that:

1. The Uniform Video Service Local Franchise Agreement filed with the Clerk on May 31, 2007, is hereby received and placed on file.
2. Paragraph VI - Fees - on page 4 of the submitted franchise agreement shall be completed by inserting "0%" which number shall be the percentage of gross revenues to be paid by the provider during the term of the franchise agreement and that page 4 attached hereto shall be substituted for page 4 of the submitted agreement.
3. The City Administrator shall transmit to Millennium a copy of this resolution and the completed pages 4 and 6 of the franchise agreement under cover of the draft letter attached hereto, finding the submitted franchise agreement complete strictly subject to the terms of the draft letter.

Yes (6) Bruno, Clark, Mulvany, Naeyaert, Preadmore, Whipple

No: (0)

RESOLUTION APPROVED UNANIMOUSLY

### **PEOPLE FROM THE FLOOR**

Neal Johnson, City Councilmember applicant, stated that he would like to serve on Council to see the current projects come to fruition. He added that he nominated Mr. Waltz as Chair of the Planning Commission and believes he has grown in the position in the six months that he has served. He indicated concern that he would abandon the position so soon.

Mike Waltz, City Councilmember applicant, stated that his term on the Planning Commission expires in six months. He assured Council that he would work as hard in this appointment as he did with his Planning Commission appointment.

### **Resolution No. 2007-27 – Appointment to Fill Council Vacancy**

MOTION by Bruno, second by Naeyaert,  
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.

Yes (3) Bruno, Clark, Naeyaert

No (3) Mulvany, Preadmore, Whipple

MOTION FAILED

MOTION by Whipple, second by Preadmore,  
to consider Resolution No. 2007-27 as read with the appointment of Mike Waltz.

Yes (3) Mulvany, Preadmore, Whipple

No (3) Bruno, Clark, Naeyaert

MOTION FAILED

MOTION by Bruno, second by Naeyaert,  
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.  
Yes (3) Bruno, Clark, Naeyaert  
No (3) Mulvany, Preadmore, Whipple  
MOTION FAILED

City Attorney McGinty was asked for his opinion regarding the deadlock. McGinty suggested a few options. The Council could recess to have members to confer among themselves. At midnight, they could adjourn, or suspend the rules and continue offering candidates until they came to a consensus. A special meeting could be set, and the item could be postponed to that special meeting agenda as a special order of business. It could be on the next agenda, and following agendas, as a standing order of business until a decision is made.

MOTION by Naeyaert, second by Whipple,  
to recess for ten minutes for the purpose of informal discussion outside of a quorum.  
MOTION APPROVED UNANIMOUSLY

The meeting recessed at 10:05 p.m. and reconvened at 10:25 p.m.

Clark stated that Mr. Keith Rouse, City Councilmember applicant, had just arrived. Clark informed the Council that he spoke with Mr. Rouse the afternoon of the last meeting in the city administrator's office regarding his interest in the appointment to Council. Mr. Rouse was unable to attend that meeting due to his work schedule. Mr. Rouse assured that he would be able to adjust his schedule to attend meetings. This evening he arrived home from work, saw that the meeting was still in session, and immediately came to the meeting. The Council recognized Keith Rouse and asked him if he would like to address the Council. Mr. Rouse urged the Council to consider other applicants in the spirit of compromise; there were seven other candidates who were interested in serving on Council. In addition to his qualifications, Mr. Rouse stated that he is well versed in how municipal government operates.

MOTION by Bruno, second by Naeyaert,  
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.  
Yes (3) Bruno, Clark, Naeyaert  
No (3) Mulvany, Preadmore, Whipple  
MOTION FAILED

MOTION by Bruno, second by Naeyaert,  
to consider Resolution No. 2007-27 as read with the appointment of Neal Johnson.  
Yes (3) Bruno, Clark, Naeyaert  
No (3) Mulvany, Preadmore, Whipple  
MOTION FAILED

MOTION by Whipple, second by Mulvany,  
to consider Resolution No. 2007-27 as read with the appointment of Keith Rouse

Discussion ensued. Clark stated that he would like a brief recess to consider the motion on the floor.

MOTION by Bruno, second by Whipple,  
to recess for five minutes to consider the motion on the floor.  
MOTION APPROVED UNANIMOUSLY

The meeting recessed at 10:40 p.m. and reconvened at 10:53 p.m.

VOTE ON THE MOTION:  
Yes (2) Mulvany, Whipple  
No (4) Bruno, Clark, Naeyaert, Preadmore  
MOTION FAILED

The Council recognized Neal Johnson. Mr. Johnson respectfully withdrew his name as an applicant; he asked Council to re-nominate Mike Waltz to join them as a member.

MOTION by Bruno, second by Naeyaert,  
to consider Resolution No. 2007-27 as read with the appointment of Mike Waltz.  
MOTION APPROVED UNANIMOUSLY

**Oath of Office**

Colburn administered the Oath of Office to Mr. Michael F. Waltz. \*Councilmember Waltz took his seat at the Council table.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

The Council welcomed newly appointed Councilmember Waltz.

**CORRESPONDENCE**

Distributed.

**LIAISON REPORTS**

Naeyaert informed Council regarding Planning Commission business.

**ADMINISTRATOR'S REPORT**

Colburn informed the Council regarding current city business. A brief discussion ensued.

**PEOPLE FROM THE FLOOR**

None.

**ADJOURNMENT**

The meeting adjourned at 11:20 p.m.

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Martin A. Colburn, City Clerk

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Leon Clark, Mayor