

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 5, 2009**

Clark called the meeting to order at 7:30 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Whipple led 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
Dennis McGinty, City Attorney
John Stressman, Chief of Police
Dennis O'Brien, Parks & Cemetery Superintendent
Deborah Cwierniewicz, Deputy City Clerk

APPROVAL OF MINUTES: December 15, 2008 and December 18, 2008

The Minutes of December 15, 2008 were approved as submitted.

MOTION by Waltz, second by Naeyaert,
To reconsider the motion approved at the December 18, 2008 special meeting affirming the decision of the Planning Commission to close the entrance at the south end of Northbrook Street.

Extensive discussion was held regarding facts and concerns relating to the closure of the Northbrook Street cul-de-sac in Franklin Farms.

VOTE ON THE MOTION TO RECONSIDER

Yes (4) Clark, Mulvany, Naeyaert, Waltz

No (3) Bruno, Preadmore, Whipple

MOTION APPROVED

MOTION by Bruno, second by Whipple,
to affirm the decision of the Planning Commission to close the entrance at the south end of Northbrook Street.

MOTION by Bruno, second by Whipple,
to amend the main motion to close the entrance at the south end of Northbrook Street by inserting at the end of the sentence, "by November 15, 2009."

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

No (1) Mulvany

MOTION APPROVED

VOTE ON THE MAIN MOTION:

MOTION APPROVED UNANIMOUSLY

The Minutes of December 18, 2008 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Bruno,
to approve the payment of bills in the amount of \$118,201.75 as submitted.
MOTION APPROVED UNANIMOUSLY

REGULAR BUSINESS

Resolution No. 2008-55 – City Administrator Performance Evaluation for 2008 Calendar Year

MOTION by Preadmore, second by Naeyaert,
to consider Resolution No. 2008-55 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-55 was introduced by Waltz and seconded by Preadmore. Whipple stated that he would not support Resolution No. 2008-55; he did not think that the resolution accurately reflected the breadth of opinion. He thought it was not a good year and that a few very major mistakes had been made. Bruno stated that he would not support Resolution No. 2008-55. There were several items that he had brought up over the past several years that have not been addressed.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-55
CITY ADMINISTRATOR PERFORMANCE EVALUATION
FOR 2008 CALENDAR YEAR
January 5, 2009**

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis; and

WHEREAS, City Council Resolution 2005-06 further provides that the Council shall conduct the formal performance review according to the guidelines described therein, including use of the "City Administrator Performance Evaluation Form" and the "City Administrator Self-Evaluation Form" as defined therein; and

WHEREAS, on December 1, 2008, the City Council met for the purpose of reviewing the "City Administrator Self-Evaluation Form" and the composite "City Administrator Performance Evaluation Form" for the purpose of general discussion regarding the job performance of City Administrator Martin A. Colburn, for the purpose of developing specific performance objectives for the City Administrator for the upcoming twelve months, and for the purpose of discussing revision of the Employment Contract between Administrator Colburn and the City Council; and

WHEREAS, at the request of Administrator Colburn, the review meetings by the City Council were held in executive session pursuant to the provisions of the Open Meetings Act;

NOW, THEREFORE, BE IT RESOLVED, that the City Council remains satisfied with Administrator Colburn in his management of, and service to, the City of Mason. Administrator Colburn continues to meet the job performance expectations of the Council. The Council feels that Administrator Colburn leads City operations in a manner generally consistent with the collective goals and ideals of the Council, as well as those of the city as a whole; and

BE IT FURTHER RESOLVED, that the following is a summary of the performance of Administrator Colburn arranged according to the major categories listed on the composite "City Administrator Performance Evaluation Form":

Professionalism

In the area of Professionalism, Mr. Colburn met Council expectations. The overall feeling was that Mr. Colburn generally conducts himself in a professional manner.

Relationship with Council

Mr. Colburn met expectations in his relationship with Council, with a reminder to respond to Council Members concerns in a timely and appropriate fashion.

Policy Execution

The Council felt that Mr. Colburn met expectations in regard to executing Council directives in a timely manner. It was noted that particular attention should be given to goals established in budget meetings, and barring unforeseen circumstances, should be followed through.

Reporting

In the area of reporting, Mr. Colburn met Council expectations. It is suggested that Mr. Colburn continue to improve his written skills and verbal communications. When a question is posed, and an answer is not known, state that, and follow up when answer is obtained.

Public Relations

Mr. Colburn met Council expectations in regard to public relations. Mr. Colburn circulates well within the community, and is an effective people person.

Staffing

Mr. Colburn has met Council expectations in regard to staffing. Mr. Colburn has taken the Council concerns of customer service, and implemented training and polices to improve it. There is still, however, some concern with respect to micro-management of the staff by Mr. Colburn.

Fiscal Management

The city continues to enjoy a solid financial standing due to Mr. Coburn's leadership, and the effective policies adopted by his management team. Even though Mr. Colburn met Council's expectations, some concern was expressed about maintenance of City Hall and Library grounds, as well as his commitment to grow Rayner Bond fund to one million dollars.

BE IT FURTHER RESOLVED, that the City Council does hereby establish the following specific Council objectives for Administrator Colburn for the 2009 calendar year:

- A. Proceed with new City Hall/Police Station.
- B. Conduct Transportation Study in conjunction with Master Plan
- C. Complete ISO fire rating for community.
- D. Update City Street Paser Study.
- E. Update finance and purchasing policies into new document.
- F. Investigate DDA Liquor License quota.
- G. Update DDA Plan with data from new study.

BE IT FURTHER RESOLVED, that in accordance with City Council Resolution 2005-06, this resolution is hereby submitted by Mayor Leon R. Clark and Mayor Pro Tem Robin Naeyaert for consideration by the City Council as the written summary of the conclusions of the Council regarding the job performance of City Administrator Martin A. Colburn; and

BE IT FINALLY RESOLVED, that in accordance with City Council Resolution No. 2005-06, a copy of this resolution along with the "City Administrator Self-Evaluation Form" and composite "City Administrator Performance Evaluation Form" shall be placed in the personnel file of City Administrator Martin A. Colburn.

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

No (2) Bruno, Whipple

RESOLUTION APPROVED

Resolution No. 2008-56 – City Administrator Employment Contract Amendment #7

MOTION by Preadmore, second by Naeyaert,
to consider Resolution No. 2008-56 as read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2008-56 was introduced by Preadmore, seconded by Waltz. Whipple stated that he would not support Resolution No. 2008-56 for the same reasons he did not vote for the previous resolution. He does not think it was a successful year overall for the City Administrator and does not believe any reward should be forthcoming.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2008-56
CITY ADMINISTRATOR EMPLOYMENT CONTRACT AMENDMENT #7
January 5, 2009**

WHEREAS, City Council Resolution 2005-06 provides that the Council shall conduct a formal review of the job performance of the City Administrator on a yearly basis and further provides that upon completion of the performance evaluation process the Mayor and Mayor Pro Tem may submit to the Council proposed revisions to the Employment Contract between the City Administrator and the City Council;

NOW, THEREFORE, BE IT RESOLVED, that Mayor Leon R. Clark and Mayor Pro Tem Robin Naeyaert do hereby submit the following proposed revisions to the Employment Contract between Martin A. Colburn and the City Council of the City of Mason;

Section 2. Salary. Increase salary paid by 2.5% to \$84,384.22 per year.

Pay for Sick Leave. Payment shall be made for one-half of an employee's accumulated sick leave-not to exceed payment of 100 days at retirement (paid directly to the employee), at death (paid to the employee's heirs), or leave the service of the city, at the employee's prevailing pay rate at that time.

BE IT FURTHER RESOLVED, that the City Council does hereby authorize the Mayor to execute an amendment to the Employment Contract between Martin A. Colburn and the City Council of the City of Mason incorporating the revisions proposed herein January 1, 2009.

Yes (5) Clark, Mulvany, Naeyaert, Preadmore, Waltz
No (2) Bruno, Whipple

RESOLUTION APPROVED

At this time, Mayor Clark presented Council Member Whipple a plaque in recognition of 16 years of dedicated service to the Mason community. Mayor Clark also presented Council Member Mulvany in recognition of 30 years of dedicated service to the Mason community. Mulvany expressed appreciation for working with this Council as well as previous Councils. He stated that City staff and administration are the best. He commended the Mayor and Mayor Pro Tem for their work, especially their trip to Washington D.C. to lobby legislature for assistance with the mandated water treatment plant costs. Whipple echoed Council Member Mulvany's comments regarding city staff. He stated that it has been an honor to serve in this capacity and to serve as Mayor; it has meant a lot to him to be entrusted with the responsibility and that it has helped him as a person. He has spent a third of his life on the City Council. He is grateful for everything, the good and the bad. He commended city staff and the City Administrator. He wished Council and City staff the best.

Adjourn Sine Die – 2008 Council

MOTION by Whipple, second by Naeyaert,
to adjourn sine die.

MOTION APPROVED UNANIMOUSLY

The 2007 City Council adjourned sine die at 8:23 p.m. and Clark passed the gavel to Colburn. At this time, Administrator/Clerk Colburn administered the oath of office to re-elected council members Leon Clark and Mike Waltz and newly elected Elaine Ferris and Barbara Tornholm.

Election of Mayor and Mayor Pro Tem for 2009-2010

Colburn opened the floor for nominations.

Bruno nominated Leon Clark for Mayor.
LEON CLARK ELECTED MAYOR UNANIMOUSLY

Bruno nominated Robin Naeyaert for Mayor Pro Tem.
ROBIN NAEYAERT ELECTED MAYOR PRO TEM UNANIMOUSLY

Clark received the gavel and proceeded with the meeting.

PEOPLE FROM THE FLOOR

None.

Presentation – Mason Centennial Fund

Colburn stated that the grant application submitted to the Mason Centennial Fund was awarded. He presented Council with a \$1,500.00 check from the agency; the grant money will used to purchase trash cans and benches for Hayhoe Riverwalk. He thanked Mason State Bank and the Mason Centennial Fund.

Resolution No. 2009-01 – City Council and Planning Commission Meeting Dates

MOTION by Naeyaert, second by Bruno,
to consider Resolution No. 2009-01 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-01 was introduced by Waltz and seconded by Preadmore.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-01
ESTABLISHMENT OF CITY COUNCIL AND PLANNING COMMISSION
MEETING DATES FOR THE YEAR 2009
January 5, 2009**

BE IT HEREBY RESOLVED by the City Council of the City of Mason that the following are the dates of the regular **City Council** meetings for the calendar year 2009, and that said meetings are to be held on the first and third Mondays of each month, with one holiday exception scheduled as a *Tuesday meeting, and

January 5 and 19	July 6 and 20
February 2 and 16	August 3 and 17
March 2 and 16	September *8 and 21
April 6 and 20	October 5 and 19
May 4 and 18	November 2 and 16
June 1 and 15	December 7 and 21 and;

BE IT FURTHER RESOLVED, that the following are the dates of the regular **Planning Commission** meetings for the calendar year 2009, and that said meetings are to be held on the second Tuesday after the first Monday of the respective months

January 13	May 12	September 15
February 10	June 9	October 13
March 10	July 14	November 10
April 14	August 11	December 15 and;

BE IT FURTHER RESOLVED, that these meetings will be held in the City Council Chamber, City Hall, 201 W. Ash Street, Mason, Michigan, with the City Council's meetings to commence at 7:30 p.m. and the Planning Commission's meetings to commence at 6:30 p.m.; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause these dates to be published in a local newspaper.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-02 – Mayor's Appointment to the Downtown Development Authority

MOTION by Preadmore, second by Tornholm,
to consider Resolution No. 2009-02 as read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-02 was introduced by Preadmore and seconded by Waltz.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-02
January 5, 2009
MAYOR'S APPOINTMENT TO THE
DOWNTOWN DEVELOPMENT AUTHORITY**

WHEREAS, a resignation by Jack Davis created a vacancy on the Downtown Development Authority; and

WHEREAS, the term of the vacancy expires on December 31, 2012;

BE IT HEREBY RESOLVED that the Mayor, with confirmation by the City Council, does hereby appoint Jettie Fientuck to the Downtown Development Authority of the City commencing January 5, 2009 through December 31, 2012.

RESOLUTION APPROVED UNANIMOUSLY

Motion– Waive the Bid Process and Approve Ayles Tree Service Proposal

O'Brien informed Council regarding Ayles Tree Service's performance for 2007. He stated that Ayles has typically been the low bidder and has performed their job to the satisfaction of the City for over 30 years. Their submitted proposal has not increased from the 2008 cost. Staff requested the formal bid process be waived and recommended acceptance of the proposal from Ayles Tree Service.

MOTION by Bruno, second by Preadmore,
to waive the formal bid process and award the tree trimming contract to Ayles
Tree Service for the amount of \$41,695.00.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Newly elected Council Members Ferris and Tornholm were welcomed to the Council.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Clark informed Council regarding current Downtown Development Authority business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

EXECUTIVE SESSION

MOTION by Preadmore,
to adjourn to executive session to discuss attorney/client privileged communication

ROLL CALL VOTE:

Yes (7) Bruno, Clark, Ferris, Naeyaert, Preadmore, Tornholm, Waltz

No (0)

MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:45 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor