

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF AUGUST 17, 2009**

Clark called the meeting to order at 7:37 p.m. in the Council Chambers at 201 W. Ash Street, Mason, Michigan. Waltz led the Pledge of Allegiance and offered the invocation.

Present: Councilmembers: Bruno, Clark, Ferris, Naeyaert, Johnson, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Kathy Revels, Administrative Services Director
Rolland Olney, Public Works Director
John Stressman, Police Chief
Dennis McGinty, City Attorney
Deborah Cwierniewicz, Deputy City Clerk

APPROVAL OF MINUTES: August 3, 2009

The regular meeting Minutes of August 3, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Waltz,
to approve the payment of bills in the amount of \$240,033.51 as submitted.

Discussion was held regarding the cost share for the drive approach and sidewalk installed at 201 East Ash Street.

MOTION by Bruno, second by Johnson,
To defer payment of Invoice No. 07557, D & K Concrete Contractors, LLC, to
the next regular meeting to allow correcting the shared cost.

MOTION APPROVED UNANIMOUSLY

It was discussed that the approved payment of bills would be amended to \$234,558.51.

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Presentation – Weatherization Assistance Program – Duane Griffus, Capital Area Community Services

Duane Griffus, Associate Director for Energy Programs of the Capital Area Community Services, gave a brief presentation regarding the Weatherization Program that assists qualified property owners in making energy saving home improvements. Council thanked Mr. Griffus for the informative presentation.

MOTION by Bruno, second by Johnson,
To amend the agenda by moving Item No. 7(G) Resolution No. 2009-36 to Item No. 7(B).

MOTION by Naeyaert, second by Waltz
To amend the main motion by moving Item No. 7(F) and (G) to Item No.
7(B) and (C) and adjusting the remaining agenda items accordingly.
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

Resolution No 2009-35 – Approval of the Amended Five-Year Local Streets Program 2009-2014 and Authorizing a Reallocation of Funds from the Street Maintenance Fund to Assist Funding the New City Hall/Police Station

MOTION by Bruno, second by Naeyaert,
to consider Resolution No. 2009-35 as read.
MOTION APPROVED UNANIMOUSLY

The Michigan Department of Environmental Quality (MDEQ) has not issued a stream crossing permit for the Franklin Farms Drive extension culvert for Willow Creek. In view of that, Colburn proposed amending the Five-Year Local Streets Program for 2009-2014 to allow completing the prioritized street improvement projects for 2009, conduct a city wide traffic study for the Master Plan, and appropriating \$500,000.00 of the annual street construction program toward the new City Hall/Police Station project. It was discussed whether using street funds for anything other than streets should be done, recognizing that it is allowable.

Resolution No. 2009-35 was introduced by Bruno and seconded by Waltz.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009- 35
APPROVAL OF THE AMENDED FIVE-YEAR LOCAL STREETS PROGRAM 2009-2014
AND AUTHORIZING A REALLOCATION OF FUNDS FROM THE STREET
MAINTENANCE FUND TO ASSIST FUNDING THE NEW CITY HALL/POLICE STATION
AUGUST 17, 2009**

WHEREAS, a revised five year street reconstruction program was prepared and presented; and

WHEREAS, The Michigan Department of Environmental Quality has not issued a stream crossing permit for the Franklin Farms Drive Extension culvert for Willow Creek; and

WHEREAS, the current fiscal year street program funds are dedicated to the Franklin Farms Drive; and

WHEREAS, the Public Works Director conducted the annual street prioritization study, reviewed by the City Engineer, to update the street construction program for the fiscal year, and has determined the following streets and alleys as priority:

Streets:

- W. Columbia Street from Cedar St., to US 127
- Buhl Street
- Curtis Street
- Mason Street from Columbia St. to North St.

Alleys:

- E. Ash-between Barnes & Rogers
- E. Sycamore- between Jefferson & Barnes
- E. Elm- between Jefferson & Barnes

City Wide Traffic Study for Master Plan; and

WHEREAS, in accordance with the Mason City Charter, Section 8.4 the City Administrator may recommend less money for the street construction program than the maximum required 2/5 of one percent of taxable value: and

WHEREAS, the Mason City Council has designated the new City Hall/Police Station as a priority.

NOW THEREFORE BE IT RESOLVED, that the Five Year Street Construction Program has been amended by the Mason City Council for project planning and budgetary considerations.

FURTHERMORE BE IT RESOLVED, that City Council approves deferring Franklin Farms Drive extension and appropriates \$500,000.00 of the annual street construction program towards the new City Hall/Police Station project.

Yes (5) Clark, Ferris, Naeyaert, Tornholm, Waltz

No (2) Bruno, Johnson

RESOLUTION APPROVED

Clark adjourned the meeting for a brief recess at 8:30 p.m. due to the loss of audio and video malfunction. After examination of the equipment, the problem was not detected. It was determined to continue the meeting without a live broadcast and continue taping for rebroadcast. The meeting reconvened at 8:49 p.m.

Resolution No 2009-36 – A Resolution Awarding a Building Improvements Purchase Agreement between the City of Mason and the Granger Group of Companies, LLC. to Provide the Services as Design-Builder for a New City Hall and Police Station

Colburn stated that during the work session of July 7, 2009, City Council discussed concepts for the future City Hall/Police Station. At that time, staff informed Council regarding concepts that the Granger Group offered the city with the \$5.5 million budget. They provided two options: (1) 20,800 SF, 2 story facility w/raised floor/under floor HVAC air and the Haworth demountable walls, and (2) 25,600 SF, 2 story facility including a 4,800 SF basement, (excluding demountable walls or a raised floor system). With regard to the wishes of City Council and the building management team, the Granger Group was authorized to provide a schematic design for a 26,200 SF, 2-story facility including a 4,800 basement with improvements.

Mr. Gary L. Granger, P.E., President and CEO of the Granger Group introduced the members of build/design team: Greg L. Markvluwer, Senior Vice President of Development & Financial Services, Joe Ditanto, Project Architect, and Will Goosen, Estimator & Project Manager. Bernie Adams, a DBI Representative, was also present. The team presented a visual overview of their schematic design for the new City Hall/Police Station. Mr. Markvluwer stated that the intent of The Granger Group is to fast-track the drawing completion, starting construction within the next 30 days with completion in June of 2010. The Granger Group is seeking approval of the contract tonight to allow guarantee of project pricing with anticipated future increases for labor and material costs. The price for the project has been set and agreed upon at 5.9 million.

Attorney McGinty addressed a change in the contract on page 8 of the Building Improvements Purchase Agreement.

MOTION by Johnson, second by Naeyaert,
to consider Resolution No. 2009-36 as read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-36 was introduced by Waltz and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-36
A RESOLUTION AWARDING A BUILDING IMPROVEMENTS PURCHASE AGREEMENT
BETWEEN THE CITY OF MASON AND THE GRANGER GROUP OF COMPANIES, LLC. TO
PROVIDE THE SERVICES AS DESIGN-BUILDER FOR A NEW CITY HALL AND POLICE STATION
August 17, 2009**

WHEREAS, the City of Mason has planned to build a city hall and police station due to current facilities being obsolete with insufficient space and aging infrastructure; and

WHEREAS, the City of Mason has been reserving funds and intends to build and pay for the new facilities with current funding sources without raising any additional property taxes; and

WHEREAS, The Granger Group, LLC. was deemed a qualified provider as a Design – Builder for

professional services after completing the Qualified Based Selection Process (QBS); and

BE IT HEREBY RESOLVED, by the City Council of the City of Mason that it does hereby accept the negotiated amount of professional services inclusive of programming, architectural design and construction services.

FURTHER RESOLVED, that the City Administrator is provided signature authority on behalf of the City for the Building Improvements Purchase Agreement between the City of Mason and The Granger Group, LLC. in the amount of \$5,900,000.

Yes (6) Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz

No (1) Bruno

RESOLUTION APPROVED

Norm Austin, Building Committee Chair, and Mark Howe, Building Committee Vice Chair, were asked to comment regarding the proposal from The Granger Group; both spoke regarding their satisfaction with The Granger Group, commenting that the team listened to the needs expressed for the new facility and worked well with city representatives. Also, Administrator Colburn, Administrative Services Director Revels, and Chief of Police Stressman commented favorably regarding specific areas of design that were met by The Granger Group.

Second Reading – Ordinance No. 175 – An Ordinance To Amend The Following Sections of Division 1, City Cemeteries, Of Chapter 14, Cemeteries, Of the Mason City Code; Section 14-36 – Amend Section to Adjust Hours of Operation and the Following Sections of Division 1, Parks and Recreation, of Chapter 46, Parks and Recreation, of the Mason City Code; Section 46-34 – Amend Section to Adjust Hours of Operation

MOTION by Naeyaert, second by Waltz,
to consider Ordinance No. 175 read for the second time and adopted.

Attorney McGinty addressed his memo regarding suggested grammatical and stylistic changes.

MOTION by Johnson, second by Tornholm,
To amend Ordinance No. 175 as recommend by the City Attorney.
MOTION APPROVED UNANIMOUSLY

VOTE ON THE MAIN MOTION:
MOTION APPROVED UNANIMOUSLY

Ordinance No. 175 was introduced by Waltz and seconded by Naeyaert.

**CITY OF MASON
ORDINANCE NO. 175**

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF DIVISION 1, PARKS AND RECREATION, OF CHAPTER 46, PARKS AND RECREATION, OF THE MASON CITY CODE; SECTION 46-34 – AMEND SECTION TO ADJUST HOURS OF OPERATION, AND CITY CEMETERIES, OF CHAPTER 14, CEMETERIES, OF THE MASON CITY CODE; SECTION 14-36 – AMEND SECTION TO ADJUST HOURS OF OPERATION.

THE CITY OF MASON ORDAINS:

Section 46-34. Section 34 of Division 1, Hours of operation, of Chapter 46, of the Mason City Code is hereby amended to adjust the hours of operation, which amended section shall read as follows:

Sec. 46-34. Hours of operation.

- (a) During the months of May through October, the city parks shall be open daily to the public during the hours of 8:00 a.m. to 10:00 p.m. In addition, Hayes Park and Bond Park may remain open until 11:00 p.m. during organized athletic events sponsored by an area school or other nonprofit

sponsoring organization, provided the organization obtains the written approval of the city administrator and designates a responsible individual who should be present during the event. No organization shall be granted approval to occupy Hayes Park or Bond Park after 10:00 p.m. for more than two events per week, except that approval may be granted for more than two events per week if determined necessary by the city administrator.

- (b) During the months of November through April, the parks shall be opened daily to the public during the hours of 8:00 a.m. to one half hour after sunset; however, the director of the parks and cemeteries may keep open until 10:00 p.m. those parks he may designate for public ice skating or other organized winter activities sponsored by the city.
- (c) Any section or part of a park may be declared closed to the public by the Director Superintendent of parks and cemeteries at any time and for any interval of time, either temporarily or at regular or stated intervals.
- (d) It shall be unlawful for any person (other than city personnel conducting city business) to occupy or be present in any park during any hours in which the park is not open to the public.
- (e) The hours of operation for authorized traffic utilizing the portions of the Hayhoe Riverwalk shall be 6:00 a.m. to 10:00 p.m.
- (f) For the purpose of subsection (e) authorized traffic shall mean walkers, runners, bicyclers, in-line skaters, and those required to use devices to assist the disabled.

THE CITY OF MASON FURTHER ORDAINS:

Section 14-36. Section 36 of Division 1, Hours of operation, of Chapter 14, of the Mason City Code is hereby amended to adjust the hours of operation, which amended section shall read as follows:

Sec. 14-36. Hours of operation.

- (a) The city cemeteries shall be opened daily to the public between the hours of 8:00 a.m. to one-half hour after sunset, with the exception of the hours of operation for authorized traffic utilizing the designated route of the Hayhoe Riverwalk shall be from 6:00 a.m. to 10:00 p.m. It shall be unlawful for any person (other than city personnel conducting city business) to occupy or be present in any city cemetery during any hours in which the park is not open to the public.
- (b) Any section or part of the city cemeteries may be declared closed to the public by the superintendent of parks and cemeteries at any time and for any interval of time, either temporarily or at regular or stated intervals.
- (c) For the purpose of subsection (a), authorized traffic shall mean walkers, runners, bicyclers, in-line skaters, and those required to use devices to assist the disabled.

The foregoing Ordinance was moved for adoption by Council Member Naeyaert and supported by Council Member Waltz, with a vote thereon being: YES (7) NO (0), at a regular meeting of the City Council held pursuant to public notice in compliance with the Michigan Open Meetings Act, on the 17th day of August, 2009.

ORDINANCE APPROVED UNANIMOUSLY

Resolution No 2009-32 – Approval to Purchase a 2010 Ford Crown Victoria Police Car

Olney informed Council regarding the color of the police car and the decal package.

MOTION by Johnson, second by Naeyaert,
to consider Resolution No. 2009-32 as read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-32 was introduced by Waltz and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-32
APPROVAL TO PURCHASE A 2010 FORD CROWN VICTORIA
POLICE CAR TO REPLACE POLICE CAR # 83**

AUGUST 17, 2009

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of police car #83 was approved in the Fiscal Year 2009 - 2010 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) 2010 Ford Crown Victoria police car for \$20,979.00 from Gorno Ford.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No 2009-33 – Approval to Purchase a 2010 GMC Pick-up Truck

MOTION by Johnson, second by Naeyaert,
to consider Resolution No. 2009-33 as read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-33 was introduced by Bruno and seconded by Waltz.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-33
APPROVAL TO PURCHASE A 2010 GMC 1500 PICKUP TRUCK
AUGUST 17, 2009**

WHEREAS, it is in the best interest of the City of Mason to schedule the replacement of vehicles within the motor vehicle pool; and

WHEREAS, the scheduled replacement of truck #12 was approved in the Fiscal Year 2009 - 2010 Budget.

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of one (1) 2010 GMC 1500 Pickup truck for \$18,014.00 from Red Holman GMC.

RESOLUTION APPROVED UNANIMOUSLY

Resolution No 2009-34 – Bid – 6” Diesel Powered Sewage Trash Pump

Olney commented regarding the bids submitted and the recommendation to award the bid to Kennedy Industries Inc

MOTION by Johnson, second by Naeyaert,
to consider Resolution No. 2009-34 as read.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-34 was introduced by Waltz and seconded by Bruno.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009- 34
RESOLUTION APPROVING THE PURCHASE OF A SIX (6) INCH TRASH PUMP
FOR THE MASON PUBLICLY OWNED TREATMENT WORKS PLANT
August 17, 2009**

WHEREAS, due to recent flooding events at the Mason Publicly Owned Treatment Works (POTW) Plant it has become apparent that additional standby pumping is needed; and

WHEREAS, it is imperative to have adequate pumping ability at the POTW when high flows overwhelm the pumping capacities of the plant; and

WHEREAS, the DPW Director, POTW Superintendent and staff have determined that it is in the best interests of the City of Mason to purchase an additional trash pump, and have sought sealed bids from reputable suppliers; and

NOW THEREFORE BE IT RESOLVED, that the Mason City Council does hereby approve the purchase of a Pioneer Six (6) inch Diesel Powered Trash Pump from Kennedy Industries Inc. for the total expense of Twenty-nine thousand, nine-hundred fifty dollars and 00 cents (\$29,950.00).

RESOLUTION APPROVED UNANIMOUSLY

MOTION – Designation of Voting Delegate to the 2009 Michigan Municipal League (MML) Annual Meeting

The Annual Michigan Municipal League Convention will be held in Kalamazoo, September 22-25, 2009. The annual meeting is scheduled to be held Wednesday, September 23, 2009 at 11:00 a.m. at the Radisson Plaza Hotel. In accordance with the League Bylaws, Council selects a designee and alternate to attend the meeting by formal action. The official representative has voting privilege in the election of officers and other business. Colburn stated that he will attend a couple of the days.

MOTION by Bruno, second by Johnson, to appoint Mayor Clark to serve as the City of Mason principal official representative and Administrator Colburn to serve as an alternate at the MML annual meeting held in conjunction with the 2009 MML Convention.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Johnson thanked Council for excusing his unintended absence.

NEW BUSINESS

- Naeyaert wished Councilmember Johnson a happy birthday.
- Bruno provided cemetery street signs for intersecting streets “Dutch Lane” and “Brown Street.”

CORRESPONDENCE

Distributed.

LIAISON REPORTS

- Naeyaert informed Council regarding current Planning Commission business. Discussion was held regarding the notice sent to the developer of Franklin Farm to install sidewalks and street trees that have been omitted on the punch list.
- Clark informed Council regarding current DDA business.

ADMINISTRATOR’S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 10:34 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor