

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 2, 2009**

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

Present: Councilmembers: Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
Absent: Councilmember: None
Also present: Martin Colburn, City Administrator
Eric Smith, Finance Director/Treasurer
Deborah Cwiertniewicz, Deputy City Clerk
Dennis McGinty, City Attorney

APPROVAL OF MINUTES: October 19, 2009

The regular meeting Minutes of October 19, 2009 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Ferris,
to approve the payment of bills in the amount of \$63,488.99 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Resolution No. 2009-44 – Resolution Objecting to the Transfer of Property

MOTION by Naeyaert, second by Waltz,
to consider Resolution No. 2009-44 read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-44 was introduced by Ferris and seconded by Tornholm.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-44
RESOLUTION OBJECTING TO THE TRANSFER OF PROPERTY
November 2, 2009**

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, village, township 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 current year property is located at 320 Center Street, Parcel # 33-19-10-05-478-012; and

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 not wish to obtain from the Treasurer any property 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 property 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 any property upon which the Treasurer will foreclose this year.

RESOLUTION APPROVED UNANIMOUSLY

Presentation – 2008-2009 Financial Statements

Mr. William I. Tucker IV, CPA from Abraham & Gaffney, P.C., presented the 2008-2009 financial statements of the audit he conducted for the City's records. Mr. Tucker stated that the City received an "unqualified opinion." Council commended Mr. Smith and Mr. Colburn.

MOTION by Naeyaert, second by Johnson,
to accept the City of Mason 2008-2009 Financial Statements and place them on file.

MOTION APPROVED UNANIMOUSLY

Motion – Tree Trimming Contract

The City of Mason has an annual maintenance program for trimming, removing, and planting trees. Ayles Tree Service has typically been the low bid. The City has been satisfied with Ayles' skill and reliability for more than 30 years. Staff requested Council to waive the formal bid process and accept the proposal from Ayles Tree Service

MOTION by Bruno, second by Naeyaert,
to waive the formal bid process and approve the proposal from Ayles Tree Service in the amount of \$40,380.00.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

Johnson informed Council regarding traffic concerns on Bush Street. The Mason Police Department (MPD) conducted multiple investigations by various officers and the speed trailer was put in place for more than a week. The MPD will continue patrolling the area, and has spoken with the Ingham

County Road Commission regarding observance of the speed limit.

NEW BUSINESS

Tornholm reminded Council that the City is accepting City Board and Commission applications from interested parties.

Johnson informed Council that he has been appointed to the Ingham County Community Corrections Advisory Board representing the business community. He also reminded Council that the Ingham County Veterans Day parade will be held Saturday, November 7, 2009.

CORRESPONDENCE

Correspondence was distributed. Councilmember Tornholm distributed copies of a letter requesting that her absence from the November 16, 2009 meeting be excused.

MOTION by Naeyaert, second by Johnson,
to excuse the absence of Councilmembers Bruno and Tornholm from the
November 16, 2009 meeting.

MOTION APPROVED UNANIMOUSLY

Clark stated that a letter was distributed to Council this evening from David and Sue Mills regarding a meeting held with Councilmember Johnson, which initiated a meeting with the Community Officer of the MPD. Clark suggested that the Administrator, Councilmember Johnson, and the Community Officer meet with Mr. and Mrs. Mills to update them on recent information. Clark stated that it would be appropriate to address the Mills' concern with staff. Subsequently, if Mr. and Mrs. Mills are not satisfied, it would be appropriate to address Council regarding their concerns.

LIAISON REPORTS

Waltz informed Council regarding current Historic District Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business.

PEOPLE FROM THE FLOOR

None.

EXECUTIVE SESSION

MOTION by Bruno, second by Naeyaert,
to adjourn to executive session to discuss an attorney/client privileged communication.
Yes (7) Bruno, Clark, Ferris, Johnson, Naeyaert, Tornholm, Waltz
No (0)

MOTION APPROVED UNANIMOUSLY

The meeting adjourned to executive session at 8:12 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor