

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 21, 2009**

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

Present: Councilmembers: Bruno, Clark, Ferris, Naeyaert, Tornholm
Absent: Councilmember: Johnson, Waltz
Also present: Martin Colburn, City Administrator
Michelle Wallo, Assistant Finance Director/Treasurer
Deborah Cwierniewicz, Deputy City Clerk
Kathy Revels, Administrative Services Director

APPROVAL OF MINUTES: December 7, 2009

The regular meeting Minutes of December 7, 2009 were approved as submitted.

MOTION by Naeyaert, second by Bruno,
to excuse the absence of Councilmember Neal Johnson.

MOTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Bruno,
to excuse the absence of Councilmember Mike Waltz.

MOTION APPROVED UNANIMOUSLY

APPROVAL OF BILLS

MOTION by Naeyaert, second by Bruno,
to approve the payment of bills in the amount of \$198,405.14 as submitted.

MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

Adam Hutchenson of 300 Green Park, Unit E, stated that he and many others in the audience were long-time members of Ironworkers Local 25. He stated that he wanted to bring it to Council's attention that non-union iron workers have been hired to work on the new City Hall structure while there are union steel workers living in the city who are out of work.

Victor St. Clair of 131 South Street stated that he and others in the audience were members of International Brotherhood Electrical Workers (IBEW) Local 665. He stated that he has not worked in two years.

Craig Barnes of 3197 Lyon Road stated that he is also representing the Iron Workers. He stated that he lives in the community and pays taxes, yet is unable to work here.

Phil Vaughn of 3526 Hillandale, Howell, Michigan, stated that he is a Business Agent for Ironworkers Local 25 and also represents Southeast Michigan Building Officials and Inspectors Association (SEMBOIA). Steel work has slowed down to nothing. There are men in the community that are working out of state. He stated opposition to Granger hiring non-union workers from out of Grand Rapids. The union workers are currently picketing City Hall because they want local jobs for local people.

REGULAR BUSINESS

Presentation – MSHDA – City of Mason Rehabilitation Program

Colburn showed a brief promotional film of Michigan State Housing Development Authority's (MSHDA) Rental Rehab Program. The film focuses on the rehabilitation of historical downtown lofts with Community Development Block Grant (CDBG) grant funds dispersed by the Ingham County Housing Commission. It was filmed in Mason, featuring City Administrator Martin Colburn and city business owners that have taken advantage of the program.

Second Reading – Ordinance No. 178 – Refuse Collection - An Ordinance to Amend Article II – Collection and Disposal – of Chapter 62 – Solid Waste – of the Code of the City of Mason to Add New Section 62-33 of Chapter 62 to Require the Owner or Person in Control of Premises in Excess of Four Dwelling Units to Provide Refuse Collection and to Amend Section 62-36 of Chapter 62 at Subsection (B) Establishing the Conditions Necessary for an Unauthorized Accumulation of Refuse and Section 62-38 of Chapter 62 at Subsection (C) to Establish Methods for the Collection of Unpaid Refuse Collection Fees and to Amend Chapter 2 – Administration – to Establish Fines for Violations.

MOTION by Naeyaert, second by Bruno,
to consider Ordinance No. 178 as read for a second time.
MOTION APPROVED UNANIMOUSLY

CITY OF MASON
ORDINANCE NO. 178

AN ORDINANCE TO AMEND ARTICLE II – COLLECTION AND DISPOSAL - OF CHAPTER 62 – SOLID WASTE – OF THE CODE OF THE CITY OF MASON TO ADD NEW SECTION 62-33 OF CHAPTER 62 TO REQUIRE THE OWNER OR PERSON IN CONTROL OF PREMISES IN EXCESS OF FOUR DWELLING UNITS TO PROVIDE REFUSE COLLECTION AND TO AMEND SECTION 62-36 OF CHAPTER 62 AT SUBSECTION (b) ESTABLISHING THE CONDITIONS NECESSARY FOR AN UNAUTHORIZED ACCUMULATION OF REFUSE AND SECTION 62-38 OF CHAPTER 62 AT SUBSECTION (c) TO ESTABLISH METHODS FOR THE COLLECTION OF UNPAID REFUSE COLLECTION FEES AND TO AMEND CHAPTER 2 – ADMINISTRATION – TO ESTABLISH FINES FOR VIOLATIONS.

THE CITY OF MASON ORDAINS:

Sections 62-33 is hereby added to Article II of Chapter 62 of the Code of the City of Mason, which amended, article shall read as follows:

ARTICLE II. COLLECTION AND DISPOSAL*

Sec. 62-31. Definitions.

In this article, "director" means the director of public works of the city.

Sec. 62-32. Collection by city.

(a) *Required.* All refuse from buildings with dwelling units, not exceeding four in number, accumulated in the city shall be collected, conveyed and disposed of only by a contractor designated by the city. No other person shall collect, convey over any of the streets or alleys of the city or dispose of any refuse except in the manner as set forth in this section.

(b) *Refuse collection.* The collection of refuse by the city shall be confined to residential premises not exceeding four dwelling units. The city shall contract with one licensed hauler, who shall exclusively collect refuse from the dwellings.

(c) *Rubbish collection.* This article shall not prohibit other licensed collectors from collecting rubbish within the city nor prohibit the actual producers of rubbish, or the owner of the premises upon which rubbish has

accumulated from personally collecting, conveying and disposing of such rubbish, provided such persons dispose of such rubbish in an authorized and approved sanitary landfill.

(d) *Other refuse collection.* This article shall not prohibit licensed haulers from collecting refuse and rubbish from premises containing in excess of four dwelling units, or from trailer parks, commercial, industrial or institutional businesses, provided that such disposal of refuse and rubbish is in an approved sanitary landfill and does not violate the provisions of this chapter and the regulations issued under this chapter.

Sec. 62-33. Collection from structures in excess of four dwelling units.

The owner and/or person in control of premises containing in excess of four dwelling units shall provide or employ a refuse collection service which collects refuse on at least a weekly basis, or show a receipt evidencing the proper disposal of refuse by the owner or person in control of the premises within the previous week. The failure of the owner and/or person in control of the premises to produce such evidence within seven days, shall constitute in evidence a presumption that the refuse is not being disposed of in accordance with this subsection. Receptacles for the temporary storage of refuse shall be in accordance with Section 94-173(b).

Sec. 62-34. Collection supervised by director of public works.

(a) *Authority.* All refuse accumulated in the city from a dwelling unit shall be carted, conveyed and disposed of by a licensed contractor under contract with the city and under the supervision of the director of public works. The director shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the regulations, after public notice in a legal newspaper, provided that such regulations are not contrary to the provisions of this article.

(b) *Appeals.* Any person aggrieved by regulation of the director shall have the right to appeal to the city administrator, who shall have the authority to confirm, modify or revoke any such rule or regulation.

Sec. 62-35. Precollection practices.

(a) *Preparation of refuse.* All refuse shall be placed in tied polyethylene bags or in containers not exceeding a capacity of 30 gallons, or 60 pounds. All garbage, before placed in such containers, shall have drained from it all free liquids and may be wrapped in paper. Tree trimmings, hedge clippings and similar material shall be cut to a length not to exceed four feet and securely tied in bundles not more than two feet thick before being deposited for collection.

(b) *Refuse containers.* Refuse containers shall be provided by the owner, tenant, lessee or occupant of the premises. Refuse containers shall be maintained in good condition; and any container that does not conform to the provisions of this article, or that may have ragged or chipped edges or any other defect liable to hamper or injure the person collecting the contents, shall be promptly replaced upon notice. The licensed hauler selected by the city shall have authority to refuse collection service for failure to comply with this section, after giving notice to the director of public works. All refuse containers shall be of substantial material and equipped with suitable handles and covers and shall be watertight. All such containers shall be kept in a clean, neat and sanitary condition at all times.

(c) *Points of collection.* In all areas of the city not served by public alleys, refuse containers shall be placed for collection at ground level between the front curb and the sidewalk of dwelling units, and where there is no curb or sidewalk, the front property line of the dwelling unit.

- (1) Refuse containers shall not be placed on the traveled portion of the street or highway so as to interfere with vehicular or pedestrian traffic.
- (2) The occupant or person in control of the premises shall not place any refuse containers for collection before 9:00 p.m. of the day preceding the day of collection, nor later than 8:00 a.m. the day of collection, and the empty containers shall be removed by 9:00 p.m. on the day of collection, such collection days to be determined by the director.

Sec. 62-36. Storing of refuse.

(a) *Public places.* No person shall place any refuse or rubbish in any street, alley or other public place or upon any private property, whether owned by such person or not, within the city, unless it is placed in proper containers for collection, or placed under express approval granted by the director, nor shall any person throw or deposit any refuse or rubbish in any stream or other body of water.

(b) *Unauthorized accumulation.* No person shall permit any refuse or rubbish to accumulate on any premises owned or controlled by such person for a period longer than the interval between the collection dates established for the neighborhood or the premises. Any unauthorized accumulation of refuse or rubbish on any premises is declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse or rubbish shall be deemed a violation of this chapter.

(c) *Scattering of refuse.* No person shall cast, place, sweep or deposit anywhere within the city refuse or rubbish in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or in any occupied premises within the city.

Sec. 62-37. Collection practices.

(a) *Frequency of collection.*

(1) *Residential.* Refuse accumulated from dwelling units shall be collected at least once each week.

(2) *Commercial.* Hotels, restaurants, institutions and such other places as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the director shall have the authority to require that more frequent collections be made.

(b) *Limits on quantity.* Refuse collection for dwelling units shall be unlimited; and the property owner may present for disposal as many containers, not exceeding the size described in this article, as may be necessary for the disposal of household refuse.

(c) *Special refuse and rubbish problems.*

(1) *Contagious disease.* The removal of wearing apparel, bedding or other refuse or rubbish from homes or other places where highly infectious or contagious diseases have prevailed shall be performed under the supervision and direction of the county health officer. Such refuse and rubbish shall not be placed in containers for regular collections.

(2) *Flammables or explosives.* Highly flammable or explosive materials shall not be placed in containers for regular collection, but shall be disposed of as directed by the director at the expense of the owner or possessor of such materials.

(d) *Requirements of collectors.* The actual producers of refuse or the owner of the premises upon which refuse is accumulated, who desire personally to collect and dispose of such refuse, and the collectors of refuse from outside of the city and who are licensed by the city, who desire to haul over the streets of the city, shall use a watertight vehicle, provided with a tight cover as approved by the director, and so operated as to prevent offensive odors from escaping and refuse from being blown, dropped or spilled. The director shall have the authority to make such other reasonable regulations concerning individual collection and disposal relating to the hauling of rubbish by licensed haulers, as he shall find necessary, subject to the right of appeal, as set forth in section 62-34.

(e) *Refuse property of the city.* Ownership of refuse material set out for collection and collected by a duly licensed hauler approved by the city shall be vested in the city.

Sec. 62-38. Fees.

(a) *Residential.* The fees for collection and disposal of refuse from dwelling units shall be set by the city council, based on its contract with a licensed hauler, and subject to such increases or decreases as established by the city council.

(b) *Nonresidential.* For the collection and disposal of refuse and rubbish not otherwise provided for in this section, the property owner may make such agreement with a licensed hauler as deemed to his best advantage.

(c) *Payment.* For all premises containing four or fewer dwelling units, the city shall levy an annual refuse service collection fee per unit, which shall be due and payable on July 1 of the city's fiscal year, in advance, and not later than August 31 of the fiscal year. Payment shall be the obligation of the property owner, as shown by the tax rolls of the city; shall be included in the property tax statement; and, if unpaid, shall become a lien against the property and collected in the same manner as provided by law for delinquent and unpaid taxes. If not paid on or before August 31, service to the property shall be terminated and no further collections shall be made from the premises. Any property owner failing to pay within the time set forth in this subsection shall not be granted further service in the collection and disposal of refuse until the amount is paid, together with a reinstatement charge in the amount established by resolution.

(d) *Legal remedy.* The stoppage of service authorized for nonpayment of collection charges shall be in addition to the right of the city to proceed for the collection of such unpaid charges in any manner provided by law for the collection of a municipal claim.

THE CITY OF MASON FUTHER ORDAINS:

Section 2-8 of Chapter 2 of the Mason City Code is hereby amended at subsection (a) to establish fines for failing to provide refuse collection service, which amended section shall read as follows:

Sec. 2-8. Schedule of civil fines.

(a) A schedule of civil fines, payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices, is established. The municipal civil infraction fines for the violations listed below shall be as follows. Repeat violations are those violations that are committed within one year of a previous violation of the same provision and, if a property violation, on the same property. The violation notice shall specify whether the violation is charged as a repeat violation and the number of prior violations of the same provision within the previous year.

Code Section	Description	First Violation	First Repeat Violation	Second or Subsequent Repeat Violation
Chapter 10 Businesses				
10-32 (1)	Failure to present business license	\$25.00	\$50.00	\$100.00
10-32 (2)	Failure to pull motor vehicle parallel to curb	\$25.00	\$50.00	\$100.00
10-32 (3)	Licensee Selling in public w/o permission	\$50.00	\$100.00	\$200.00
10-33 (1)	Enter private residence w/ false pretenses	\$100.00	\$200.00	\$400.00
10-33 (2)	Failure to leave residence upon request	\$100.00	\$200.00	\$400.00
10-33 (3)	Soliciting prior to 9:00 a.m after 9:00 p.m.	\$25.00	\$50.00	\$100.00
10-33 (4)	Soliciting by calling or other noise	\$25.00	\$50.00	\$100.00
10-33 (6)	Occupy public space as transient merchant	\$25.00	\$50.00	\$100.00
Chapter 14 Cemeteries				
14-36(1)	In cemetery after hours	\$25.00	\$50.00	\$100.00
14-37(4)	Unleashed dog in cemetery	\$25.00	\$50.00	\$100.00

14-37(4)	Fail to clean up dog feces in cemetery	\$25.00	\$50.00	\$100.00
14-37(4)	Allow dog to trespass on marked grave	\$50.00	\$100.00	\$200.00
Chapter 22	Environment - Noise			
22-32 to 36	Any noise violation	\$50.00	\$75.00	\$100.00
Chapter 22	Environment - Junk and Junk Cars			
22-82	Junk storage	\$75.00	\$150.00	\$300.00
22-83	Dismantle automobile	\$75.00	\$150.00	\$300.00
22-84	Maintain unsecured vacant structure	\$100.00	\$200.00	\$300.00
22-85	Storage of unenclosed building materials	\$75.00	\$150.00	\$300.00
Chapter 26	Fire Prevention and Protection			
26-91	Open fire - no permit	\$100.00	\$150.00	\$300.00
Chapter 42	Offenses - General			
42-6	Curfew violation	\$25.00	\$50.00	\$100.00
Chapter 42	Offenses Involving Public Peace and Order			
42-82	Loud & Boisterous conduct	\$50.00	\$100.00	\$150.00
42-86	Possession of Drug Paraphernalia	\$50.00	\$100.00	\$150.00
42-91	Sale of Tobacco to Minor	\$100.00	\$200.00	\$300.00
42-92	Use or Possession of Tobacco by Minor	\$50.00	\$50.00	\$50.00
42-94	Open alcohol in public	\$50.00	\$100.00	\$150.00
Chapter 42	Offenses Involving Public Safety - Weapons			
42-137	Sale of slingshot, airgun or weapon to minor	\$50.00	\$100.00	\$150.00
Chapter 42	Offenses Involving Schools			
42-176	Drive on undesignated area - school grounds	\$50.00	\$100.00	\$150.00
Chapter 46	Parks			
46-31	Failure to leave park when ordered	\$50.00	\$100.00	\$150.00
46-32	Failure to clean park after use	\$50.00	\$100.00	\$150.00
46-32 (2)	Pollute park waters	\$100.00	\$200.00	\$300.00
46-32 (3)	Dump trash or fail to use receptacle	\$100.00	\$200.00	\$300.00
46-32 (4)	Conduct oneself so as to endanger others	\$100.00	\$200.00	\$300.00
46-32 (7)	Violate any park rule	\$50.00	\$75.00	\$100.00
46-32 (8)	Interfere with others lawful use of park	\$50.00	\$75.00	\$100.00
46-32 (9)	Swim, bathe or wade in undesignated area	\$100.00	\$150.00	\$200.00

46-34	Present in park when closed	\$25.00	\$50.00	\$75.00
46-35 (a)	Picnic or lunch in undesignated area	\$25.00	\$50.00	\$75.00
46-35 (b)	Exclude use by others for private function	\$25.00	\$50.00	\$75.00
46-36 (a)	Activities or games in undesignated areas	\$50.00	\$75.00	\$100.00
46-36 (b)	Dangerous animal or unsupervised dog	\$75.00	\$150.00	\$300.00
46-36 (c)	Sell, vend or peddle wares in park	\$50.00	\$100.00	\$150.00
46-36 (d)	Post signs or ads in or adjacent to park	\$25.00	\$50.00	\$75.00
46-37	Drive or park in undesignated area	\$25.00	\$50.00	\$75.00
Chapter 62 Solid Waste				
62-33	Fail to provide refuse collection service	\$75.00	\$150.00	\$300.00
62-35 (c) (1)	Placement of refuse container in street	\$25.00	\$50.00	\$75.00
62-35 (c) (2)	Refuse container out too soon or too late	\$25.00	\$50.00	\$75.00
62-36 (a)	Refuse on public property/ improper storage	\$100.00	\$200.00	\$300.00
62-36 (b)	Unauthorized accumulation of refuse	\$75.00	\$150.00	\$300.00
62-36 (c)	Deposit refuse so elements can scatter it	\$50.00	\$75.00	\$150.00
Chapter 72 Traffic & Vehicles - Skateboards				
78-7 (a) (1)	Skateboarding on road	\$25.00	\$50.00	\$75.00
78-7 (a) (2)	Skateboarding in downtown area	\$25.00	\$50.00	\$75.00
78-7 (a) (3)	Skateboarding in Maple Grove Cemetery	\$25.00	\$50.00	\$75.00
78-7 (b) (1)	Fail to yield to pedestrian on sidewalk	\$25.00	\$50.00	\$75.00
78-7 (b) (2)	Fail to yield to pedestrian or car-parking lot	\$25.00	\$50.00	\$75.00
78-7 (b) (3)	Reckless or careless skateboarding	\$50.00	\$75.00	\$100.00
78-7 (b) (4)	Skateboarding in X walk > walking speed	\$25.00	\$50.00	\$75.00
78-7 (b) (5)	Skateboarding on ramps on public property	\$25.00	\$50.00	\$75.00
Any municipal civil infraction not specifically identified		\$50.00	\$100.00	\$150.00

(b) A copy of the schedule shall be posted at the bureau.

Effective Date. This ordinance shall take effect 20 days after its passage, approval and publication.
ORDINANCE APPROVED UNANIMOUSLY

Resolution No. 2009-46 – Rules of Order for the City Council and for City Boards and Commissions

MOTION by Naeyaert, second by Ferris,
to consider Resolution No. 2009-46 as read.
MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-46 was introduced by Bruno and seconded by Tornholm.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-46
December 21, 2009
RULES OF ORDER
for the
CITY COUNCIL and for CITY BOARDS and COMMISSIONS**

WHEREAS, the process of government in the City of Mason includes the activity of a City Council as well as numerous Boards and Commissions appointed by the City Council, each of which can play a significant role in the conduct of the affairs of the City; and

WHEREAS, the citizens of the City of Mason are best served by a City Council as well as City Boards and Commissions that function smoothly with a firm basis for resolving questions of procedure that may arise; and

WHEREAS, the City Council and City Boards and Commissions must each conduct business with the greatest measure of protection for the people and City of Mason, as well as for the Council and each Board and Commission as a body, and

WHEREAS, the City Council and City Boards and Commissions must each conduct business with the greatest measure of protection and consideration of the rights of individual members and the rights of individual citizens, and

WHEREAS, the application of parliamentary law is the best method yet devised to enable the City Council and City Boards and Commissions to arrive at the general will on the maximum number of questions of varying complexity in a minimum amount of time and under the most diverse set of conditions, ranging from total harmony to impassioned division of opinion, with due regard for the opinion of each member and for the right of every citizen to address the Council, a Board or a Commission; and

WHEREAS, Rules of Order are the written rules of parliamentary law and are critical to ensure the most effective and efficient operation of any deliberative body; and

WHEREAS, the citizens of the City of Mason will be best served when the meetings of all public bodies are conducted according to similar procedures.

NOW, THEREFORE, BE IT RESOLVED, that these Rules of Order shall be the parliamentary law of the City Council and all City Boards and Commissions of the City of Mason, and shall nullify and replace Resolution 2008-52 dated December 1, 2008 and any other previously approved Rules of Order; and

THEREFORE, BE IT FURTHER RESOLVED, that these Rules of Order shall be consistently applied and actively enforced at all times in relation to the orderly transaction of business in meetings, and in relation to the duties of officers in the conduct of meetings, of the City Council, as well as all City Boards and Commissions, and shall be implemented starting January 4, 2010.

RULES OF ORDER FOR CITY COUNCIL, BOARDS, COMMISSIONS

City Council Resolution 2009-46
City of Mason, Michigan

- 1) ORDER OF BUSINESS
 - a) City Council: At each regular meeting of the City Council the business to be considered shall be taken up, when applicable, for consideration and disposition in the following order:
 1. Call to Order
 2. Roll Call
 3. Pledge of Allegiance and Invocation
 4. Unfinished Business (meeting of Mayor and Mayor Pro Tem election)
 5. Adjourn Sine Die (meeting of Mayor and Mayor Pro Tem election)
 6. Election of Mayor and Mayor Pro Tem
 7. Announcements
 8. People from the Floor

9. Introductions
10. Presentations
11. Public Hearings
12. Consent Agenda
13. Regular Business
14. Unfinished Business
15. New Business
16. Correspondence
17. Liaison Report
18. Councilmember Report
19. Administrator Report
20. Adjournment

b) City Boards and Commissions: At each regular meeting of a City Board or Commission the business to be considered shall be taken up, when applicable, for consideration and disposition in the following order:

1. Call to Order
2. Roll Call
3. Approval of Minutes
4. Unfinished Business (meeting of Chair and Vice Chair election)
5. Election of Chair and Vice Chair
6. People from the Floor
7. Announcements
8. Public Hearings
9. Introductions
10. Presentations
11. Regular Business
12. Unfinished Business
13. New Business
14. Correspondence
15. Liaison Report
16. Administrator Report
17. Adjournment

2. AGENDA

Any item of business to be considered shall be appropriately filed with the City Clerk/secretary by noon on the Wednesday preceding the subject meeting. Agenda requests by members of the body and the City Administrator shall be automatically granted by the City Clerk/secretary if filed in a timely manner. The City Clerk/secretary shall send a complete agenda to each member by close of business on the last business day of the week preceding the subject meeting. Each item on the agenda shall include sufficient explanation to indicate intent. Any question introduced at a meeting that does not appear on the agenda may be deferred for inclusion on the agenda of a subsequent meeting upon the request of any one member of the body, except that said question may be acted upon at once if so requested by a majority vote of the members present.

3. ANNOUNCEMENTS

Announcements provide a proper venue for informing Council about events, meetings, or matters of interest not related to Council business. Each councilmember is allowed three (3) minutes to make an announcement.

4. PUBLIC COMMENT

- (a) It is the intent of these Rules to encourage public comment and participation by interested persons that is constructive, informative, and factual in a manner conducive to the conduct of an organized, efficient and professional meeting. Public comment by a person who is not a member of the body shall be allowed only during the People from the Floor and Public Hearing agenda items, or when permitted by the meeting Chair.
- (b) People from the Floor is intended for public comment on agenda items as well as any topic a member of the public would like to bring to the attention of the Council. A member of the public who wants to speak to a specific agenda item may inform the Chair that they would like to reserve their comments to a specific item of interest. The Chair will make note of the request. Prior to the debate of the Council, the Chair will call on the individual, who may speak regarding that agenda item, as delineated by subsection (c).
- (c) All public comment shall be appropriate to the agenda item under consideration. Each person shall be allowed to speak for a maximum of three (3) minutes and the Chair may limit the number of times each person is allowed to speak. The limits on time and quantity for speaking may be extended at the discretion of the Chair.

- (d) Any person in attendance at a meeting shall comply with the direction of the Chair as to the appropriateness of their actions or comments. The Chair shall retain discretion to disallow or stop a person from speaking or to temporarily recess the meeting at any time to maintain the order of the meeting.
 - (e) Any person that speaks before the body shall state for the record their name, residence address and group affiliation, if any.
5. INTRODUCTIONS
Introductions will provide a venue in the order of business for making notable introductions of individuals or groups.
6. PRESENTATIONS
Presentations will provide a venue in the order of business for brief presentations that do not require formal action and are limited to five (5) minutes.
7. PUBLIC HEARINGS
Agenda items requiring action shall be placed under the related Public Hearing item for immediate consideration.
8. CONSENT AGENDA
A consent agenda may be used to allow the council to act on numerous items at one time. Included on this agenda can be non-controversial matters such as approval of minutes, payment of bills, approval of ordinances, resolutions, motions, etc. The City Council approves items listed on the consent agenda by single vote without debate. If any member of the City Council desires to debate any item(s) listed on the consent agenda, they may remove the item(s) and place it (them) on the regular agenda for consideration in due order.
9. MINUTES
Meeting minutes requiring approval shall be distributed to each member with the Agenda for the next regular meeting. There shall not be a reading of the minutes at the meeting. Approval of the minutes shall be considered under the Consent Agenda. If the minutes are removed from the Consent Agenda for discussion and a substantial correction(s), as determined by the Chair, is suggested by the Chair or a member, said correction(s) shall be agreed to by a two-thirds vote of the members present. Corrections not determined to be substantial shall be considered made by consensus unless any member challenges such determination, in which case said correction shall be treated as a substantial correction. Minutes shall then be considered approved without a vote after all suggested corrections are voted upon, or agreed to by consensus, as required.
10. UNFINISHED BUSINESS
Items considered under Unfinished Business are items or matters that have been previously addressed by Council but have not received Council action
11. NEW BUSINESS
Items considered under New Business are items or matters that may require immediate or future Council action.
12. COUNCILMEMBER REPORT
A Councilmember may report on a meeting or conference that is germane to the City Council.
13. CONDUCT OF BUSINESS
- (a) Parliamentarian: The meeting Chair shall serve as Parliamentarian unless that duty is assigned and accepted by another member. The application and enforcement of these rules is the responsibility of the Chair.
 - (b) Reading of Resolutions and Ordinances: The text of any Resolution or Ordinance being considered shall be read into the record except when an appropriate motion to consider said Resolution or Ordinance as being read is approved by a majority vote of the members present. The reading of a Resolution or Ordinance shall occur before introduction for consideration.
 - (c) Reconsideration: A motion to reconsider enables a majority to bring back for further consideration a motion that has been voted on previously. The motion to reconsider can be made only by a member voting on the prevailing side and is in order only until the adjournment of the next regular meeting following the meeting during which the motion to be reconsidered was acted upon.
 - (d) Appeal to Chair: Any decision of the Chair in applying or interpreting these Rules of Order may be appealed by a motion made at the time of the ruling being appealed and before any debate or business has intervened. The Chair shall be allowed to speak first to an appeal with each member allowed to speak once. The Chair may speak one last time after all members have

been given an opportunity to speak. The question before the body on an appeal of the Chair shall be "Shall the decision of the Chair be sustained?" A majority or tie vote shall sustain the decision of the Chair.

- (e) Abstain from Voting: No member of the City Council shall vote on any question in which the member has a financial interest, other than the common public interest, or on any question concerning the conduct of the member, but, on all other questions, each member who is present shall vote unless excused by unanimous consent of the remaining members present.
- (f) Considering a Motion: A motion that does not receive a second shall not be considered to be in order.

14. CHAIR AND VICE-CHAIR

- (a) Election: The Chair (Mayor) and Vice-Chair (Mayor Pro Tem) shall be elected pursuant to the applicable provisions of the City Charter or of a City Ordinance if such provisions exist. Absent Charter or Ordinance requirements, election shall be by majority vote of the members present during the first regular meeting of each calendar year.
- (b) Absence: In the absence or disability of the Chair and the Vice-Chair, the members present shall select by majority vote a member to be designated as Acting Chair to perform the duties of the Chair as necessary.

15. RULES OF ORDER

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the City Council and all City Boards and Commissions in all applicable cases in which Robert's Rules are consistent with these Rules of Order, the City Charter, City Ordinance, and State Statute.

16. SUSPEND RULES

A request to waive the Rules of Order shall be granted only by unanimous vote of the members present.

RESOLUTION APPROVED UNANIMOUSLY

MOTION by Naeyaert, second by Bruno,
to consider Resolution Nos. 2009-47 and 2009-48 at the same time.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2009-47 – Mayoral Appointments to City Boards and Commissions

MOTION by Naeyaert, second by Ferris,
to consider Resolution Nos. 2009-47 and 2009-48 as read.

MOTION APPROVED UNANIMOUSLY

Resolution Nos. 2009-47 and 2009-48 were introduced by Bruno and seconded by Tornholm.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-47
MAYORAL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 21, 2009**

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby make the following appointments/reappointments to the specified boards and commissions of the city and that each term shall commence January 1, 2010 and expire on December 31 of the year noted.

Board of Ethics	Mark Rigg	2012
Building Code & Sign Board of Appeals	Gordon Wilson	2012
Downtown Development Authority	Michelle Bontrager	2013
Historic District Commission	Mark Cummings Dave Hyndman	2012 2012
Planning Commission	James King (filling an unexpired term) Jon Vincent John Sabbadin Ed Reeser	2011 2012 2012 2012

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2009-48 – City Council Appointments to City Boards and Commissions

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2009-48
CITY COUNCIL APPOINTMENTS TO CITY BOARDS AND COMMISSIONS
December 21, 2009**

BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby make the following appointments/reappointments to the specified boards and commissions of the City and that each term shall commence January 1, 2010 and expire on December 31 of the year noted:

Board of Review	Kris Johnson	2012
Building Authority	Mark Howe	2012
Cemetery Board	Richard Ferris	2012
Election Commission	Robin Naeyaert	2010
Local Development Finance Authority	on Vickers	2010
Utility Rate Study Committee	Larry Briggs	2012
	Jeff Shattuck	2012
Zoning Board of Appeals	Scott Shattuck	2012
	John Jenkins	2012
	Shirley Richards	2012

RESOLUTION APPROVED UNANIMOUSLY

Report – Blue Cross Insurance Plan

At the December 7th meeting, Leslie W. Bruno, Jr., of 1019 South Eugenia Drive spoke regarding issues he has encountered with the new employee/retiree health insurance. Council was provided a report from Administrative Services Director Kathy Revels, who was present to answer questions. She introduced Jerry Panich, GRA: Blue Cross Managing Agent & MML representative, Matt Burghardt, AmeraPlan: VP Sales Administration, Michael Simeoni, Blue Cross Blue Shield: Rx Specialist, and Ted Souphis, Ibex Insurance Agency: President of Employee Benefits. Mr. Bruno asked for clarification regarding information he received from the Blue Cross customer service representative regarding the 90-day prescription rider.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Naeyaert informed Council that she and Mayor Clark attended a meeting prior to the work session. They met with a gentleman from the IBEW regarding some of the same issues that were brought up under people from the floor tonight. She will forward questions from the meeting to staff for follow-up.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Naeyaert informed Council regarding current Planning Commission business.

ADMINISTRATOR'S REPORT

Colburn informed the Council regarding current city business. Tornholm asked how contractors could bid the jobs for the three houses being renovated through the neighborhood stabilization program.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

The meeting adjourned at 8:21 p.m.

Martin A. Colburn, City Clerk

Leon Clark, Mayor