

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF DECEMBER 20, 2004**

Whipple 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, Coady-Helbig, Johnson, Naeyaert, Preadmore,
Whipple

Also present: Martin Colburn, City Administrator
Kathy Revels, Finance Director/Treasurer
Deborah Cwierniewicz, Deputy City Clerk

APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: December 6, 2004

The Regular Meeting Minutes of December 6, 2004 were approved as submitted.

APPROVAL OF BILLS

MOTION by Naeyaert, second by Preadmore,
To approve the payment of bills in the amount of \$115,362.30 as submitted.
MOTION APPROVED UNANIMOUSLY

PEOPLE FROM THE FLOOR

None.

REGULAR BUSINESS

Second Reading and Adoption of Ordinance No. 115-A-2004 Amending DDA Boundaries

Ordinance No. 115-A-2004 was introduced by Clark, seconded by Bruno.

ORDINANCE NO. 115-A-2004

AN ORDINANCE TO AMEND ORDINANCE NO. 115, ADOPTED OCTOBER 15, 1984, ENTITLED, "DOWNTOWN DEVELOPMENT AUTHORITY ORDINANCE," BY AMENDING SECTION 4, ENTITLED, "CREATION OF AUTHORITY," THEREOF SO AS TO CHANGE AND INCREASE THE BOUNDARIES OF THE DOWNTOWN DEVELOPMENT DISTRICT AS SHOWN ON THE ATTACHED MAP AS HEREIN AMENDED.

THE CITY OF MASON ORDAINS:

Section 1. Title: This ordinance shall be known as Amendment No. 115-A-2004 to the Downtown Development Authority Ordinance No. 115.

Section 2. Amendment: Section 4 of Ordinance No. 115, adopted October 15, 1984, and amended by Ordinance No. 115-A-87 on January 19, 1987, is hereby further amended to read as follows:

Section 4. Creation of Authority: Boundaries. There is hereby created, pursuant to Act 197, the Mason Downtown Development Authority for the City of Mason. The Authority shall be a public body corporate and shall be known as and exercise its powers under the name "Mason Downtown Development Authority." The Authority may adopt a seal, may sue and be sued in any Court of this State, and shall possess all the powers necessary to carry out the purpose of its incorporations provided herein and by Act 197. The enumeration of any power herein or in Act 197 shall not be considered as a limitation upon the general powers of the Authority as a public body corporate.

The boundaries of the Downtown District in which the Authority shall exercise its powers as provided by this Ordinance and Act 197 are hereby established as shown on the revised Downtown District map dated August 12, 2004, which is attached to this Ordinance as Exhibit A, and which, with all notations, references, and other information contained thereon, shall be as much a part of this Ordinance as if fully described herein.

Section 3. Effective Date: This Ordinance shall become effective twenty days after its adoption and publication. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

ORDINANCE APPROVED UNANIMOUSLY

MOTION by Clark, second by Preadmore,

To adjourn to executive session to discuss the City Administrator's Contract.

ROLL CALL VOTE:

YES (7) Bruno, Clark, Coady-Helbig, Johnson, Naeyaert, Preadmore, Whipple

NO (0)

MOTION APPROVED UNANIMOUSLY

Executive Session – Personnel - City Administrator's Contract

The meeting adjourned to executive session at 7:40 p.m. and reconvened at 7:54 p.m.

Resolution No. 2004-65 City Administrator Employment Contract Amendment

Resolution No. 2004-65 was introduced by Bruno and seconded by Clark.

MOTION by Preadmore, second by Naeyaert,

To amend Resolution No. 2004-65 in the *Now, Therefore, Be It Resolved* paragraph; *Section 2. Salary;* strike 2 ½ % and insert 4%; and make the requisite adjustment on the dollar amount.

ROLL CALL VOTE:

YES (4) Preadmore, Naeyaert, Coady-Helbig, Whipple

NO (3) Johnson, Clark, Bruno

MOTION APPROVED

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2004-65
December 6, 2004
CITY ADMINISTRATOR EMPLOYMENT CONTRACT AMENDMENT #3

WHEREAS, City Council Resolution 2004-06 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 Russell W. Whipple and Mayor Pro Tem Leon R. Clark 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 4% to \$75,712 per year.

Section 6c. Retirement. Take all necessary actions to reduce the time to vest under the MERS Municipal Retirement Plan from ten (10) to six (6) years, including authorization of an actuarial study, the cost of which is to be shared equally by Martin A. Colburn and the City of Mason.

Section 6e. Health Insurance. Require that Martin A. Colburn pay for 10% of the total premiums paid by the city for healthcare (health, dental, optical as applicable).

Section 9. Severance Pay. Provide severance pay based on full years of service to the city at the rate of one (1) month of severance pay for each full year of service with a cap of six (6) months.

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 effective January 1, 2005;
RESOLUTION APPROVED UNANIMOUSLY

Motion – Presentation of 2003-2004 Financial Statements

Mr. Rick Richardson and Mr. Dave Ryder of Layton & Richardson presented the 2003-2004 Financial Statements for the City of Mason. They spoke briefly regarding the audit report and the implementation of GASB (Governmental Accounting Standards Board) Statement 34 in this audit. Mr. Richardson stated that the City was found to comply with all requirements and the report expresses an unqualified opinion. Discussion was held regarding the firm's two recommendations regarding internal controls. Finance Director Revels stated that the internal controls currently in place for processing checks is secured and methodical and better meets the overall objectives of the Finance Department than the auditor's recommendation of removing the checks and stamping them "For Deposit Only" when the mail is opened. Revels also stated that due to the staffing assignments of one Clerk/Typist and three Bookkeepers, it would be difficult to separate the duties of opening the mail and entering cash receipts. These are now both done by the Clerk/Typist.

MOTION by Johnson, second by Preadmore,
To accept and place on file the 2003-2004 Financial Statements prepared by Layton & Richardson and to also support current city practices and decline the recommendation in the audit report current year findings regarding cash receipts.

MOTION APPROVED UNANIMOUSLY

Resolution No. 2004-67 Mayoral Appointments

Resolution No. 2004-67 was introduced by Clark and seconded by Bruno.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2004-67
December 20, 2004
MAYORAL BOARD AND COMMISSION APPOINTMENTS

BE IT HEREBY RESOLVED, that the Mayor, with confirmation by the City Council, does hereby make the following appointments to the specified boards and commissions of the city and that each term shall commence January 1, 2005 and expire on December 31 of the year noted:

Building Code Board of Appeals	Christopher Colligan	2007
Downtown Development Authority	Tim Gaylord	2008
	Jack Davis	2008
	Jamie Robinson	2008
Ethics Board	Bill Noud	2007
	Kathy Dean	2007
Historic District Commission	Loren Shattuck	2007
	Pat Guarnaccia	2007
Planning Commission	Ernie Lutz	2007
	Michael F. Waltz	2007
	Ed Reeser (fill unexpired term)	2006
Traffic Commission	Roger Bauer	2007
Tree Commission	Michael Canteberry	2007
	Melvin Brown	2007
	Nancy Cotter	2007

RESOLUTION APPROVED UNANIMOUSLY

Resolution No. 2004-68 City Council Appointments

Resolution No. 2004-68 was introduced by Bruno and seconded by Clark.

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2004-68
December 20, 2004
CITY COUNCIL BOARD AND COMMISSION APPOINTMENTS

BE IT HEREBY RESOLVED, that the City Council of the City of Mason does hereby make the following appointments to the specified boards and commissions of the city and that each term shall commence January 1, 2005 and expire on December 31 of the year noted:

Board of Review	Larry Briggs	2007	
Cable Communications Commission	Larry Briggs	2007	
	Bob Clark	2007	
	Chris Burns (fill unexpired term)	2006	
	Christine Coady-Helbig (ex officio)	2006	
Local Development Finance Authority	Gary Naeyaert	2008	
Zoning Board of Appeals	Ernest Lutz	2007	
	Pete Curtis	2007	
	George Pierce	2007	
	(from alternate to member)	Shirley Richards	2006
	(alternate)	Jim Maddix (fill unexpired term)	2005

RESOLUTION APPROVED UNANIMOUSLY

Tree Trimming Contract

The Department of Public Works recommended waiving the formal bid process and accepting the proposal from Ayles Tree Service for tree trimming in the upcoming year, not to exceed the budgeted \$15,000. A brief discussion ensued.

MOTION by Bruno, seconded by Preadmore,
To waive the formal bid process and accept the proposal from Ayles Tree Service.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None.

NEW BUSINESS

Clark stated concern regarding the corner of Lansing Street and Columbia Street. When the lumber yard was open, the parking in front of the building caused a site distance problem for vehicles at that corner of the intersection. A new business is operating at the same location and the problem has recurred. Colburn stated that he would research the Zoning Codes to determine the course of action.

Whipple stated that he, Bruno, Dean, Colburn, and McGinty have been working together on the sewer code revision. It was the consensus of the Council to hold a work shop to review the draft document.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

Clark informed the Council on current Planning Commission issues. He asked staff to send thank you notes expressing the Council's gratitude for the community service of Mr. Michael Klepinger and Mr. Michael Thompson on the Planning Commission. Council asked Clark to inform the Planning Commission that not more than three Commissioners need to be designated to serve on the Zoning Code committee. Council has designated three council members to the six member committee.

ADMINISTRATOR'S REPORT

Colburn informed the Council on current city issues. Discussion was held that the meeting between Colburn, Pastor Rigg, and the Mason First Church of the Nazarene, as well as a meeting with Mr. and Mrs. Hyaduck, regarding the utility district special assessment will occur later in January 2005. It was the consensus of the Council to extend the requested report of that meeting to the point in time that Colburn has information.

PEOPLE FROM THE FLOOR

None.

ADJOURNMENT

Being there was no further business, the meeting adjourned at 8:47 p.m.

Martin A. Colburn, City Clerk

Russell W. Whipple, Mayor