

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF SEPTEMBER 18, 2006**

Clark called the meeting to order at 7:32 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, Coady, Johnson, Mulvany, Naeyaert, Whipple  
Also present: Martin Colburn, City Administrator  
Kathy Revels, Finance Director/Treasurer  
Joe Dean, Public Works Director  
John Stressman, Police Chief  
Dennis McGinty, City Attorney  
Bill Potter, City Engineer  
Deborah Cwiertniewicz, Deputy City Clerk

**APPROVAL OF MINUTES - REGULAR COUNCIL MEETING: September 5, 2006**

The Minutes of September 5, 2006 were approved as corrected.

**APPROVAL OF BILLS**

MOTION by Coady, second by Naeyaert,  
to approve the payment of bills in the amount of \$82,721.42 as submitted.  
**MOTION APPROVED UNANIMOUSLY**

**PEOPLE FROM THE FLOOR**

Roger Bauer of 608 E. Maple Street asked that the Laylin Park directional signs be repositioned to prevent drivers from entering the exit of the one-way drive.

Ken Brown, owner of the Mason Elevator located at 104 S. Lansing Street, asked when it is planned to apply the final asphalt wear course for Lansing Street. He expressed concern that closure of the street will coincide with the harvest season, which will eminently affect his business

MOTION by Mulvany, second by Bruno,  
to amend the agenda by moving Item No. 7(l) Mason Antiques District  
Cobblestone Flea Market, as the first item of business to accommodate those in  
the audience present for consideration of the request.  
**MOTION APPROVED UNANIMOUSLY**

**REGULAR BUSINESS**

**Request – Mason Antiques District Cobblestone Flea Market**

Clark stated that the Mason Antiques District Cobblestone Flea Market request was deferred to this meeting to allow adjacent property owners to be heard on the matter.

Jeanette Finetuch stated that she is the personal representative for David Finetuch/owner of the properties in question. Ms. Finetuch stated that she submitted a proposal which utilizes the right-of-way bordering 118 N. Lansing Street for the ongoing flea market held each Sunday. She feels that the use is less of an imposition than when it was a lumber yard.

Jeff Taylor, representative of the Mason Antiques District Cobblestone Flea Market, stated that the suggested street closure during the flea market would be disturbing to adjacent business owners and for the flea market as well. Discussion ensued.

Police Chief Stressman was asked to comment regarding his recommendation. Stressman stated that he recommended closing the street during the hours of the business venture in the interest of public safety, for pedestrians that walk in the street. He is open to blocking one lane, with proper traffic control devices in place.

Ken Brown of Mason Elevator stated that closing any portion of Lansing Street would severely affect his business.

Russ McCalla of Mason Elevator also stated concerns regarding the effect of closing Lansing Street.

Rick Falardeau, owner of The Trellis located at 352 W. Columbia Street, stated opposition to closing Lansing Street. He feels that the flea market has not negatively impacted the business in that area, but closing Lansing Street would.

Deb Birdsall of 352 A W. Columbia Street stated that she resides in the apartment above the Trellis and the old lumber yard, where the flea market is held. She and her husband have not heard any noise or activity on Sundays related to the flea market. They have not been aware of traffic problems relating to pedestrians or parking issues. They have visited the flea market and are pleased with the activity and vision that Jeanette and Jeff have for the event.

It was discussed that the requested special use permit is not an applicable request for this district; it has been presented to Council as a request to use the right-of-way.

MOTION by Mulvany, second by Bruno,  
to allow the use of right-of-way adjacent to the Cobblestone Event Center on Lansing Street as requested to operate a Flea Market between the hours of 11:00 a.m. – 4:00 p.m. on Sundays through October 2006, to be reviewed and reconsidered in 2007, with proof of insurance submitted by the applicant.

MOTION by Naeyaert, second by Bruno,  
to amend the main motion to change the hours of operation to 9:00 a.m.-  
4:00 p.m.

ROLL CALL VOTE:

Yes (4) Whipple, Coady, Johnson, Naeyaert

No (3) Bruno, Mulvany, Clark

MOTION APPROVED

Further discussion ensued. It was stated that Mr. Parsons of Parsons Service Station requested that the petitioner would block off his business entrances with traffic cones to prevent any liability issues that could occur from customers using his parking lot.

VOTE ON THE MAIN MOTION:  
MOTION APPROVED UNANIMOUSLY

**Resolution No. 2006-36 – Acceptance of Temple Street as a Public Street**

Resolution No. 2006-36 was introduced by Mulvany seconded by Bruno. A brief discussion ensued.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2006-36  
ACCEPTANCE OF TEMPLE STREET AS A PUBLIC STREET  
September 18, 2006**

**WHEREAS**, the City of Mason's Master Plan noted a north/south connector street on the east side of the city; and

**WHEREAS**, the city entered into a Development Agreement to extend Temple Street from Ash Street to Kipp Road; and

**WHEREAS**, the land for the right-of-way and the construction of Temple Street was granted by means of a warranty deed from the Arthur W. Jewett Trust and the Alice L. Jewett Trust, and recorded by the Ingham County Register of Deeds, Libre-3145 and Page-529; and

**WHEREAS**, said right-of-way includes public improvements as water main, storm sewer, and street improvements; and

**WHEREAS**, the public infrastructure was constructed to City standards and approved by the City Engineer;

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council does hereby accept Temple Street and the public utilities as public infrastructure.

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple  
No (0)

**CLERK'S CERTIFICATION:** I hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the City Council at its regular meeting held Monday, September 18, 2006 the original of which is part of the City Council minutes.

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Martin A. Colburn, City Clerk  
City of Mason  
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

**Resolution No. 2006-37 – A Resolution Requesting the Michigan Department of Transportation to Prioritize Maintenance of the M-36 State Highway Traversing Through the City of Mason to Safe Standards**

Resolution No. 2006-37 was introduced by Mulvany and seconded by Bruno. A brief discussion ensued regarding making a request to the Michigan Department of Transportation to prioritize maintenance of M-36 between Curtis and Ash Streets. It was also discussed that construction of a water treatment plant planned for 2007 will require street reconstruction to extend water main in this area; it would be prudent to have the street maintenance done following the water treatment plant construction.

MOTION by Mulvany, second by Coady,  
to amend Resolution No. 2006-37 in the last paragraph, second line after M-36,  
insert *between Curtis and Ash Streets, as this area is in poor shape.*

Yes (2) Mulvany, Whipple  
No (5) Bruno, Clark, Coady, Johnson, Naeyaert

MOTION FAILED

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2006-37  
A RESOLUTION REQUESTING THE MICHIGAN DEPARTMENT OF  
TRANSPORTATION TO PRIORITIZE MAINTENANCE OF THE M-36 STATE  
HIGHWAY TRAVERSING THROUGH THE CITY OF MASON  
September 18, 2006**

**WHEREAS**, the City of Mason has placed street maintenance as a high priority; and

**WHEREAS**, the City of Mason has dedicated funding sources by the vote of the people to properly maintain city streets, thus demonstrating by practice and standard a healthy street maintenance program; and

**WHEREAS**, the Michigan Department of Transportation (MDOT) has the responsibility to maintain state highways to safe and appropriate standards; and

**WHEREAS**, the City of Mason has recurrently addressed to the state the need to initiate an aggressive maintenance program to state highway M-36 within the city limits of Mason; and

**WHEREAS**, the Governor's Office has publicly stated the need, means and desire to expedite highway maintenance in the state of Michigan.

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council does hereby request and recommend to MDOT, on behalf of the City of Mason and the Governor's highway maintenance initiative, that the portion of M-36 within the city limits of Mason be moved up on the five year maintenance plan.

**BE IT FURTHER RESOLVED**, that MDOT, in preparation for the upcoming winter, take immediate action to make repairs on M-36, between Curtis Street and Ash Street, this area it is in poor shape and is a disservice to the community and the state highway system.

Yes (1) Mulvany  
No (6) Bruno, Clark, Coady, Johnson, Naeyaert, Whipple  
RESOLUTION FAILED

**Resolution No. 2006-38 – Contract – Water Treatment Plant**

Resolution No. 2006-38 was introduced by Bruno and seconded by Mulvany. Colburn spoke briefly regarding the engineering agreement for the design and inspection of the proposed water treatment plant.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2006- 38  
RESOLUTION TO APPROVE THE ENGINEERING AGREEMENT  
FOR THE DESIGN AND INSPECTION OF THE  
MASON WATER TREATMENT PLANT  
September 18, 2006**

**WHEREAS**, as a result of a federally mandated change in the radium rule for drinking water, it is in the best interests of the City of Mason to construct a centralized water treatment plant; and

**WHEREAS**, on July 5, 2006, the City Council directed staff to negotiate an engineering agreement for the design and inspection of the construction of the proposed water treatment plant, and that on July 26, 2006, Resolution No. 2006-27 was approved directing that the project plan for the water treatment plant prepared by the consultants of Wolverine Engineers & Surveyors, Jones & Henry Engineering and Layne-Christensen be submitted to the Michigan Department of Environmental Quality for consideration for a Drinking Water Revolving Fund loan; and

**WHEREAS**, the City Administrator and the Department of Public Works Director have negotiated a proposed engineering agreement with Wolverine Engineers & Surveyors and the agreement has been reviewed and approved to form by the City Attorney; and

**WHEREAS**, the city staff finds the terms of the engineering agreement and the negotiated remuneration to be fair and in keeping with the expectations of the scope of the project.

**NOW THEREFORE BE IT RESOLVED**, that the Mason City Council does hereby approve the engineering agreement with the Wolverine Engineers & Surveyors for the sum of Seven Hundred and Forty-eight Thousand Dollars and Zero Cents (\$748,000) and authorized the City Administrator to sign the professional service agreement.

Yes (6) Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple  
No (1) Bruno

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Martin A. Colburn, City Clerk  
City of Mason  
Ingham County, Michigan

RESOLUTION APPROVED

**Resolution No. 2006-39 – Amend the 2006-2007 Fiscal Year Budget**

Resolution No. 2006-39 was introduced by Mulvany and seconded by Bruno.

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2006-39  
AMEND THE 2006-2007 FISCAL YEAR BUDGET  
September 18, 2006**

**BE IT HEREBY RESOLVED** by the City Council of the City of Mason that the 2006-2007 fiscal year Budget is hereby amended as per the attached "Budget Amendments."

Yes (7) Bruno, Clark, Coady, Johnson, Mulvany, Naeyaert, Whipple  
No (0)

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Martin Colburn, Clerk  
City of Mason  
Ingham County, Michigan

RESOLUTION APPROVED UNANIMOUSLY

**Traffic Control Order No. 05-2006**

Motion by Whipple, second by Johnson  
to approve Traffic Control Order No. 05-2006.

MOTION APPROVED UNANIMOUSLY

**Traffic Control Order No. 06-2006**

Motion by Whipple, second by Johnson,  
To approve Traffic Control Order No. 06-2006.

MOTION APPROVED UNANIMOUSLY

**Motion – Purchase of Speed/Radar Trailer**

Colburn stated that although this item of request has not been budgeted for, he feels that the purchase of a speed/radar trailer will assist the Police Department. Stressman detailed the specifications of the equipment, as well as the useful and valuable features.

Bruno left the meeting at 9:18 p.m. and returned at 9:20 p.m.

Motion by Whipple, second by Naeyaert,  
to waive the public bid process and approve the purchase of a Speed Check  
Trailer unit for \$8,065, and to make the corresponding budget amendment.  
MOTION APPROVED UNANIMOUSLY

**Motion – Project Amendment – Sidewalk Access to Laylin Park Playground**

Bruno spoke regarding his suggestion to install a walkway in Laylin Park from the parking lot to the bridge, and from the bridge to the edge of the playground equipment. A brief discussion ensued

Motion by Whipple, second by Naeyaert,  
to authorize the City Administrator to have approximately 176’ linear feet of 5’  
wide sidewalk installed at Laylin Park from the parking lot to beyond the  
playground equipment, at a cost not to exceed \$4,500.00, and to make the  
corresponding budget amendment  
MOTION APPROVED UNANIMOUSLY

**Request – Street Closures – Mason Homecoming Parade**

Motion by Naeyaert, second by Johnson,  
to approve the use of Oak, Jefferson, Maple, and Barnes Streets for the Mason  
High School Homecoming Parade, September 29, 2006 between 5:00 p.m. and  
7:00 p.m.  
MOTION APPROVED UNANIMOUSLY

**Discussion – MML Voting Delegate Requesting Council Position for the Election of Officers and Other Business for the Michigan Municipal League (MML) Annual Business Meeting**

Coady provided the proposed legislative policies for the 2006-2007 Michigan Municipal League Annual Business Meeting. A brief discussion ensued regarding the Council’s consensus of her representative vote as delegate concerning those issues.

**UNFINISHED BUSINESS**

- Whipple stated that his entire family is pleased with the new equipment at the Laylin Park playground. He proposed completing Laylin Park this year and suggested purchasing benches and swings, as well as the removal of two leaning city trees. Colburn stated that these items have been discussed for next year’s budget. It was the consensus of the Council to add Laylin Park as an item on the October 2 agenda; staff was request to obtain estimates.

## **NEW BUSINESS**

- Mulvany expressed frustration with traffic and parking incidences that occurred during Down Home Days.
- Whipple stated that the Mason Fire Department won the extrication competition at the Fire Fighter Memorial Event in Roscommon; the team comprised of Andrew Combs, Scott Preadmore, John Sabbadin, Justin Day, John Scutt, and Dan Kennedy.
- Coady commended city staff, particularly DPW, for helping a constituent that had a dangerous tree leaning over his property line.
- Naeyaert informed Council regarding State legislation issues.
- Clark requested that the Traffic Commission reconsider the parking at The Trellis located on Columbia and Lansing Streets.

## **CORRESPONDENCE**

Distributed.

## **LIAISON REPORTS**

- Coady informed Council regarding the September 12<sup>th</sup> Planning Commission meeting.
- Clark informed Council regarding the September 14<sup>th</sup> Downtown Development Authority meeting.

## **ADMINISTRATOR'S REPORT**

Colburn informed the Council regarding current city business.

## **PEOPLE FROM THE FLOOR**

Roger Bauer of 608 E. Maple Street commented that he and his wife feel that swings need to be added to the Laylin Park playground equipment.

## **ADJOURNMENT**

Being that there was no further business the meeting adjourned at 10:10 p.m.

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Martin A. Colburn, City Clerk

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Leon Clark, Mayor