

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 20, 2017**

Whipple 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: Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple
Absent: Councilmember: None
Also present: Deborah S. Stuart, City Administrator
Deborah J. Cwiertniewicz, City Clerk

ANNOUNCEMENTS

A & W Restaurant is serving a Ham Dinner Fund Raiser in support of Meals on Wheels.

PEOPLE FROM THE FLOOR

None.

CONSENT AGENDA

MOTION by Brown, second by Droscha,
to approve the Consent Agenda as follows:

- A. Motion – Approve Regular Council Meeting Minutes for March 6, 2017
- B. Motion – Approve Bills in the Amount of \$ 122,174.45
- C. Resolution 2017-11 – Approval of Special Assessment Resolution No. 4 for Project 2017-1

**CITY OF MASON
CITY COUNCIL RESOLUTION 2017-11
APPROVAL OF SPECIAL ASSESSMENT RESOLUTION
NO. 4 FOR PROJECT 2017-1
March 20, 2017**

WHEREAS, by resolution adopted Monday, November 21, 2016, the City Council of the City of Mason determined to install and construct the more particularly hereinafter-described sidewalk improvements (the "Project") and assess all or a portion of the cost thereof against the property deemed benefited by the Project, all in accordance with Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter;

WHEREAS, the Council has previously approved Resolution No. 4 on December 19, 2016;

WHEREAS, after receiving budget estimates it was determined some streets need to be removed due to budget constraints;

WHEREAS, attachment A lists the impacted parcels that will be removed from the previously determined special assessment roll;

WHEREAS, the City Assessor has prepared and reported to the City Council a special assessment roll assessing all or a portion of the cost of the Project to the property benefited thereby with his certificate attached thereto pursuant to Section 66-9 of the City's Code of Ordinances;

WHEREAS, the City Council desires to schedule a public hearing to review and hear objections to the special assessment roll.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The special assessment roll shall be filed with the office of the City Clerk and shall be available for public examination during regular business hours on regular business days.

2. The City Council shall meet at 7:30 o'clock in the p.m., on Monday, the 17th day of April, 2017, in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing and hearing objections to the special assessment roll.

3. The City Clerk shall cause notice of the hearing and the filing of the special assessment roll to be given to all interested property owners as provided by Chapter 66 of the City's Code of Ordinances and the relevant provisions of the City Charter. The notice as published and mailed shall be in substantially the following form:

**NOTICE OF HEARING
CITY OF MASON
INGHAM COUNTY, MICHIGAN
NOTICE OF PUBLIC HEARING ON THE
SPECIAL ASSESSMENT ROLL FOR THE
2017 SIDEWALK IMPROVEMENTS SPECIAL ASSESSMENT DISTRICT 2017-1**

TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN, the owners of the land described below within the 2017 Sidewalk Improvements Special Assessment District 2017-1, and any other interested persons:

PLEASE TAKE NOTICE that the City Assessor has reported to the City Council and filed in the office of the City Clerk for public examination a special assessment roll prepared by him, which roll includes all properties that are within the 2017 Sidewalk Improvements Special Assessment District 2017-1, and are benefited by the proposed sidewalk improvement project generally described as follows:

The installation and/or replacement of sidewalks in the public right-of-way of the following properties and along and adjacent to the following streets: 201 E Ash, 216 E Ash, 220 E Ash, 226 E Ash, 405 S Barnes, 520 S Barnes, 603 S Barnes, 604 S Barnes, 611 S Barnes, 100 Corbin, 111 E Elm, 115 E Elm, 116 E Elm, 121 E Elm, 122 E Elm, 226 E Elm, 327 E Elm, 408 E Elm, 416 E Elm, 417 E Elm, 423 E Elm, 426 E Elm, 427 E Elm, 435 E Elm, 525 Holt, 103 N Jefferson, 107 N Jefferson, 115 N Jefferson, 119 N Jefferson, 123 N Jefferson, 137-139 N Jefferson, 141-143 N Jefferson, 150 N Jefferson, 154 N Jefferson, 172-188 N Jefferson, 196 N Jefferson, 235 N Jefferson, 238 N Jefferson, 245 N Jefferson, 250 N Jefferson, 255 N Jefferson, 440 N Jefferson, 444 N Jefferson, 456 N Jefferson, 457 N Jefferson, 525-527 S Jefferson, 605 S Jefferson, 125 Okemos, 524 S Rogers, 531 Steele;

The special assessment roll has been prepared for the purpose of assessing a portion of the costs of the acquisition and construction of the sidewalk improvement project and work incidental thereto within the special assessment district, as more particularly shown on the plans of the City's engineers, which are on file and available for public examination with the City Clerk at the City Hall, 201 West Ash Street, Mason, Michigan, within the City. The total estimated assessment there under is \$21,257.

PLEASE TAKE FURTHER NOTICE that the City Assessor has further reported that the assessment against each parcel of land within the special assessment district is such relative portion of the whole sum levied against all parcels of land in the special assessment district as the benefit to such parcel bears to the total benefit to all parcels of land in the district.

PLEASE TAKE FURTHER NOTICE that the City Council will meet on Monday, the 17th day of April, 2017, at 7:30 o'clock, p.m., in the City Council Chambers, City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of reviewing the proposed special assessment roll and hearing any objections thereto. The special assessment roll may be examined at the office of the City Clerk during regular business hours of regular business days until the time of the hearing and may further be examined at the hearing.

Appearance and protest at the hearing, in person or in writing, are required in order to appeal the action of the City Council in approving the special assessment roll, and/or the amount of an assessment, to the state tax tribunal. A property owner or party in interest, or his or her agent, may appear in person at the hearing to protest the special assessment proceedings or may file his or her appearance and protest by letter and his or her personal appearance will not be required. The owner or any person having an interest in the real property who protests in person or in writing at the hearing may file a written appeal of a special assessment with the state tax tribunal within 35 days of the date the special assessment roll is confirmed by the City Council.

Further information regarding the 2017 Sidewalk Improvements special assessment project is available at the City Clerk's office, City Hall, 201 West Ash Street, Mason, Michigan 48854.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT:

Special Assessment Resolution 2017-11 supersedes the previous No. 4 resolution approved on December 19, 2016, making the previous resolution null and void.

- D. Resolution 2017-12 – Approve the Memorandum of Agreement (MOA) Between the Greater Lansing Area Regional Storm Water (GLRC) Program and the City of Mason

**CITY OF MASON
CITY COUNCIL RESOLUTION 2017-12
APPROVE THE MEMORANDUM OF AGREEMENT (MOA)
BETWEEN THE GREATER LANSING AREA REGIONAL STORM
WATER (GLRC) PROGRAM AND THE CITY OF MASON
March 20, 2017**

WHEREAS, the United States Environmental Protection Agency (USEPA) and the Michigan Department of Environmental Quality (MDEQ) have required communities in the Greater Lansing tri-county region to apply for and maintain compliance with a National Pollutant Discharge Elimination System Phase II (NPDES II) permit;

WHEREAS, the communities prepared, reviewed, and proposed a Memorandum of Agreement for adoption by all the communities and agencies to formalize and establish the Greater Lansing Regional Committee for Storm Water Management (GLRC);

WHEREAS, participation in the GLRC advances local efforts for responsible stewardship of our natural resources, allows for the cooperative management of the watersheds in our community and this region, and assists the participating municipalities and their departments in complying with the regulatory requirements promulgated by the MDEQ and the USEPA Municipal Separate Storm Sewer System (MS4) storm water discharge permits;

WHEREAS, the Memorandum of Agreement which was adopted by these municipalities and agencies originally in 2008, was revised and updated and re-adopted in 2012, and has now been prepared reflecting changes in the participating communities and activities to meet permit requirements and extending the period of the agreement to April 30, 2022.

NOW THEREFORE BE IT RESOLVED, that the City of Mason approves the Greater Lansing Regional Committee for Storm Water Management Memorandum of Agreement revised by the GLRC on March 20, 2017 and authorizes payment of the appropriate annual assessment for support of the Greater Lansing Regional Committee;

BE IT FURTHER RESOLVED, that the City of Mason's representative to the Greater Lansing Regional Committee is Ken Baker, Department of Public Works Director.

Yes (7) Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple

No (0)

MOTION APPROVED

REGULAR BUSINESS

None.

UNFINISHED BUSINESS

Ordinance – Second Reading and Approval of Proposed Changes to Recreational Burning Permit Ordinance

MOTION by Brown, second by Droscha,
to consider changes to the Recreational Burning Permit Ordinance read for the second time and adopted.

Yes (7) Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple
No (0)

MOTION APPROVED

**CITY OF MASON
ORDINANCE NO. 208**

**AN ORDINANCE TO AMEND CHAPTER 26 – FIRE PREVENTION AND PROTECTION,
ARTICLE III – OUTDOOR FIRES - DIVISION 2 PERMITS – TO REMOVE THE REQUIREMENT
FOR A PERMIT AND FEES AND ESTABLISH STANDARDS FOR ALLOWABLE FIRES**

THE CITY OF MASON ORDAINS;

Chapter 26, Article III, Division 2 of the Mason City Code is hereby amended by removing the requirement for a permit and fee and establishing standards for allowable fires, which amended, division shall read as follows:

DIVISION 2. ALLOWABLE FIRES

Sec. 26-126. Allowable fires.

The following special or occasional fires may be allowed if the chief of the fire department or designee shall determine that the maintenance of such fire is not likely to create atmospheric pollution, a nuisance or a fire hazard potentially dangerous or injurious to persons or property:

- (1) Recreational fires when supervised, controlled and maintained, and utilizing charcoal, seasoned firewood, or other fuel approved by the fire chief or a designee where the fuel being burned is contained within a device or pit.
- (2) Personal or private papers of any person, corporation, business or profession which by reason of their confidential and private nature cannot safely be disposed of by the usual disposal methods without potential injury to the reputation, business or interests of the permittee, or others.
- (3) Contagious, flammable or explosive material which, if disposed of in the usual manner, could be potentially dangerous to persons or property.
- (4) Such other special or occasional fires, when there is a compelling need for such fires by reason of the inadequacy of the city's disposal system.

Sec. 26-127. Application and conditions.

Recreational fires shall be subject to the following conditions:

- (1) No recreational fire shall be within 15 feet of an existing building, nor within 15 feet of an existing property line, except when the recreational fire location is specifically authorized by the fire chief or a designee.
- (2) A recreational fire shall not exceed 36 inches in diameter and the flame height shall not exceed 24 inches from the ground surrounding the device or pit containing the fire.
- (3) A recreational fire shall be allowed only in the AG, RS-1, RS-2, RS-3, and R2F zoning districts or on any property used and occupied as a single or two-family dwelling in any district.
- (4) Burning may be done in a metal container, masonry fire ring, or store-bought device manufactured for recreational burning and so constructed as to prevent the dispersal of sparks and burning material having suitable covers and constructed to prevent the dispersal of sparks and burning material. No device shall exceed 36" in diameter.
- (5) Recreational fire burning shall not take place between 12:00 a.m. and 7:00 a.m.
- (6) No such burning shall be done unless under the constant supervision of a person at least 18 years of age.
- (7) No burning shall be allowed at a time or place and of such materials which, when burning, emit foul or obnoxious odors, dense smoke, or when wind conditions create or are apt to create a nuisance or hazard to persons or property in the vicinity.
- (8) No burning shall be allowed when atmospheric conditions or local circumstances are likely to make such burning hazardous.
- (9) Burning of yard waste, leaves and trash is prohibited.

- (10) Any burning may be summarily suspended by the highest ranking fire officer on duty if the officer determines that any permitted fire is maintained contrary to this chapter or is a fire hazard potentially dangerous to persons or property. Any such suspension may be appealed to the fire chief.

Sec. 26-128. Fee.

Should the person(s) performing the burning violate any of the conditions as expressly set forth in section 26-126 and 26-127, or any applicable state law regulating open fires, necessitating a fire department response, they shall be responsible for all costs associated with the response, but in no case less than \$300.00 per hour.

Effective Date. This ordinance shall take effect upon the expiration of 20 days after its adoption.

Yes (7) Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple

No (0)

ORDINANCE APPROVED

Motion – Approve Reimbursement for Annual Recreational Burning Permits Issued in 2017

MOTION by Droscha, second by Ferris,
to approve reimbursement for recreational burn permits issued in 2017.

Yes (7) Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple

No (0)

MOTION APPROVED

Motion – Approve Traffic Control Order Designating Steele Street as a School Loading Zone

The request to approve designating Steele Street as a School Loading Zone was moved for approval at the March 6 meeting. However, Council deferred this item to allow obtaining additional information.

An aerial map of Steele Street School and the surrounding area was provided for reference.

Kevin Doty, Mason Public School Director of Operations, stated that the temporary order is working well. A brief discussion ensued.

MOTION by Droscha, second by Brown,
to approve TCO No. 79-2016 designating Steele Street as a School Loading Zone.

Yes (7) Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple

No (0)

MOTION APPROVED

NEW BUSINESS

Resolution 2017-13 – Approve Revised Rules of Order for the City Council and for City Boards and Commissions.

Whipple informed Council that the proposed revisions to the Rules of Order for the City Council and City Boards and Commissions would streamline the flow of meetings while sustaining what is necessary to conduct business. Some of the changes provide consistency with Robert's Rules of Order.

MOTION by Droscha, second by Waltz,
to consider Resolution No. 2017-13 read.

Yes (7) Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple

No (0)

MOTION APPROVED

Resolution No. 2017-13 was introduced by Ferris, seconded by Waltz.

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2017-13
RULES OF ORDER FOR THE CITY COUNCIL
AND FOR CITY BOARDS AND COMMISSIONS
March 20, 2017**

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

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

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;

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;

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;

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;

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 City Council Resolution 2011-05 and any other previously approved Rules of Order.

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 take effect at the first meeting following approval of this resolution.

Yes (7) Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple

No (0)

RESOLUTION APPROVED

It was discussed to offer parliamentary training to board and commission members. Also, it was the consensus of Council to have staff research the source of the determined meeting time for City Council and include it on the next regular meeting agenda for discussion.

CORRESPONDENCE

Distributed.

LIAISON REPORTS

No reports at this time.

COUNCILMEMBER REPORTS

No reports at this time.

ADMINISTRATOR'S REPORT

Stuart informed Council on items of City business as follows:

- She attended the National League of Cities Congressional Conference in Washington D.C. The Michigan Women in Local Government sponsored her trip with the Michigan Municipal League (MML). She garnered information about what other communities are doing across the nation concerning ways to engage citizens, and identify gaps in services. She spent time on Capitol Hill talking about the impact of budget cuts on cities, and the benefit of Community Development Block Grants (CDBG) and other federal funding sources.
- Tanker 807 was auctioned for just over \$6,000.
- Klavon's Pizzeria and Pub representatives continue to move through the Brownfield approval process.
- The City of Leslie has invited Mason to participate in Parliamentary Procedure training on March 27.
- Budget Workshop: It was determined that the Budget Workshop will be held Monday, April 3 at 5:30 p.m.

ADJOURN TO CLOSED SESSION RELATED TO A PERSONNEL MATTER

MOTION by Brown, second by Droscha,
to adjourn to closed session to discuss a personnel matter.
Yes (7) Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple
No (0)
MOTION APPROVED

The meeting adjourned to closed session at 8:07 p.m.

RECONVENE TO OPEN MEETING

The meeting reconvened at 10:11 p.m.

MOTION by Brown, second by Droscha,
to amend the agenda to include an immediate action item regarding a motion
concerning a grievance of a personnel item.
Yes (7) Brown, Droscha, Ferris, Madden, Vogel, Waltz, Whipple
No (0)
MOTION APPROVED

MOTION by Brown, second by Droscha,
to deny the grievance.
Yes (6) Brown, Droscha, Ferris, Madden, Waltz, Whipple
No (1) Vogel
MOTION APPROVED

ADJOURNMENT

The meeting adjourned at 10:12 p.m.

Deborah J. Cwierniewicz, City Clerk

Russell W. Whipple, Mayor