

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF JUNE 17, 2019**

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

Present: Councilmembers: Brown, Droscha, Ferris, Madden, Schaffer, Vogel, Whipple  
Absent: Councilmembers:  
Also present: Deborah S. Stuart, City Manager, Sarah J. Jarvis, City Clerk

**PUBLIC COMMENT**

Andrew on behalf of Christopher Mumby of the Camino of St. James came to thank the council for their past and future support of the Camino of St. James 8K/5K and Fun Runs. Which will take place this year on August 11, 2019.

MOTION by Brown, second by Madden,  
to approve Amended Agenda with the correction of the year in 4b to "2019" and the addition of  
Item number 8C under New Business regarding the Farmer's Market Road Closure.

MOTION APPROVED UNANIMOUSLY

**CONSENT CALENDAR**

MOTION by Brown, second by Droscha,  
to approve the Consent Calendar as revised with the moving of items 4a and E1 to New Business.

- A. Minutes:
  - 1. Approve Minutes of Regular Council Meeting June 3, 2019
- B. Correspondence:
  - 1. Receipt of City Attorney's Report Dated June 13, 2019
  - 2. Receipt of the City's 2018 Water Quality Report
  - 3. Receipt of the City of Mason Tree Assessment Report
- C. Financials:
  - 1. Approve Bills in the Amount of \$51,890.60
  - 2. Receipt of Monthly Revenue and Expenditure Report for Period Ending May 31, 2019
  - 3. Approve Motor Vehicle Pool Purchase of Scag Turf Tiger II Zero Turn rider in the amount of \$11,405
  - 4. Year End Requirements:
    - a. Resolution 2019-18: Approve Resolution 2019-18 to Amend the 2018-2019 Fiscal Year Budget – MOVED TO NEW BUSINESS
    - b. Resolution 2019-19: Approve Resolution 2019-19 to Return Delinquent Water and Sewer and Delinquent Miscellaneous Bills to the July 2019 Tax Roll

**CITY OF MASON  
CITY COUNCIL RESOLUTION 2019-19**

**RETURN DELINQUENT WATER, SEWER AND MISCELLANEOUS BILLS TO THE  
JULY 2019 TAX ROLL**

June 17, 2019

**BE IT HEREBY RESOLVED**, by the City Council of the City of Mason, that the City Treasurer is hereby authorized to return the attached Exhibit "A" - Delinquent Water and Sewer Bills, and Exhibit "B" - Delinquent Miscellaneous Bills to the July 2019 Tax

Roll, pursuant to Mason City Code Section 82-246 (a) and Vegetation Ordinance 86-35.

c. Resolution 2019-20: Approve Resolution 2019-20 to Levy a 1% Tax Administration Fee

**CITY OF MASON  
CITY COUNCIL RESOLUTION 2019-20**

**LEVY 1% TAX ADMINISTRATION FEE**

**June 17, 2019**

**BE IT HEREBY RESOLVED**, that the City Council of the City of Mason that the City Treasurer is to levy a 1% tax administration fee on all Ingham County, Mason Public School, Ingham Intermediate School, State Education, Capital Region Airport Authority, Capital Area District Library and Lansing Community College taxes levied on the July and December 2019 tax rolls of the City of Mason;

**FURTHER RESOLVED**, that the City Treasurer is hereby authorized to collect 4% interest on any taxes that remain unpaid from the July tax roll after August 31, 2019 and 3% penalty from the December tax roll after February 14, 2020.

D. Right of Ways Requests:

1. Approve Use of Public Right-of-Way for Mason Area Chamber of Commerce (MACC) July 4<sup>th</sup> Parade on July 4, 2019, and to Waive All Associated Fees
2. Approve Use of Public Right-of-Way for the Camino St. James on August 11, 2019
3. Approve Use of Public Right-of-Way and Grant Waiver of Amplified Music for Identified Times for the Sundried Music Festival on August 23, 24 and 25, 2019

E. Other Resolutions:

1. Resolution 2019-21: Approve Resolution 2019-21 to Amend the Rules of Order for the City Council and for City Boards and Commissions – MOVED TO NEW BUSINESS

F. Traffic Control Orders:

1. Traffic Control Order 19-01: Approve Traffic Control Order 19-01 to post the speed limit on West Sycamore St. (Jefferson St. to State St.)

MOTION APPROVED UNANIMOUSLY

**PUBLIC HEARING**

**A. Public Hearing on Special Assessment Roll for the 2019 Kerns' Road Improvements Special Assessment District 2019-1**

Mayor Whipple Opened the Public Hearing at 7:34 p.m.

- Roberta Sommerville of 700 Acme Drive spoke against the 2019 Kerns' Road Improvement Special Assessment District
- Scott Sommerville of 700 Acme Drive spoke against the 2019 Kern's Road Improvement Special Assessment District

Mayor Whipple Closed the Public Hearing at 7:48 p.m.

**B. Resolution 2019-22: Approve Resolution 2019-22 for Project 2019-1 Kerns Road Special Assessment District (Resolution #5)**

MOTION by Brown, second by Droscha,  
to adopt Resolution 2019-22 for Project No. 2019-1 Kerns Road Special Assessment District  
(Resolution #5) and with a 0% interest rate

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2019-22**

**RESOLUTION NO. 5 FOR PROJECT NO. 2019-1  
2019 KERNS ROAD IMPROVEMENTS SPECIAL ASSESSMENT**

**June 17, 2019**

**WHEREAS**, pursuant to due notice to all interested parties, this City Council did meet on Monday, June 3, 2019, in the City Hall, 201 West Ash Street, Mason, Michigan, for the purpose of reviewing the special assessment roll and hearing any objections thereto for the 2019 Kerns Road Improvements Special Assessment District - 2019-1; and

**WHEREAS**, at the time and place designated for said meeting, the meeting was duly called to order and the opening of the hearing for objections to the special assessment roll, prepared by the City Assessor and on file with the City Clerk, was announced, said roll assessing the cost of certain Kerns Road improvements against the benefiting properties; and

**WHEREAS**, objections were heard or filed in writing with the City Clerk and the following adjustment or corrections, if any, were made; and

**WHEREAS**, the City Council now desires to confirm the special assessment roll attached hereto as **Exhibit A**.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

The City Council hereby designates the special assessment district as the "Kerns Road Special Assessment District - 2019-1."

The special assessment roll as prepared and reported to the City Council by the City Assessor shall be designated as the "Special Assessment Roll, Kerns Road Special Assessment District 2019-1" in the final amount of \$344,696.55 is hereby adopted and confirmed, and the City Clerk is hereby directed to endorse thereon this date of confirmation.

The special assessment roll shall be divided into fifteen (15) equal annual installments. The first installment shall be due on July 1, 2020, and the fourteen (14) subsequent installments shall be due on July 1 of the succeeding years thereafter. Special assessments may be paid in full on or before August 31, 2020, without interest. Thereafter, installments of the special assessment roll shall bear interest at the rate of 0 percent (0%) per annum, commencing on September 1, 2020, payable annually on the due date of each installment after the first installment. If any installment is not paid when due then the same shall be deemed to be delinquent and there shall be collected thereon in addition to the interest above provided, a penalty at the rate of one percent (1%) for each month or fraction thereof that the same remains unpaid before being reported for reassessment upon the City tax roll. In the event the City Council determines that it is in the best interest of the district and the City at large to issue bonds pledging the receipts of said special assessment roll and the full faith and credit of the City; then and in that event, the interest on the unpaid installments shall be adjusted to not more than one percent (1%) greater than the average interest rate at which the bonds were sold. Said interest shall be payable annually on each installment due date.

Any of the unpaid balance due on the special assessment roll may be paid in full on any installment date, together with interest due to said payment date.

The assessments made in said special assessment roll are hereby ordered and directed to be collected. The City Clerk shall deliver the special assessment roll to the City Finance Director/Treasurer with the proper warrant attached, commanding the City Finance Director/Treasurer to collect the assessments therein in accordance with the directions of the City Council with respect thereto, and

the City Finance Director/Treasurer is authorized and directed to collect the amounts assessed as they become due pursuant to the terms of this resolution and the provisions of the applicable statutes of the State of Michigan.

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

MOTION by Vogel, second by Schaffer,  
to amend Resolution 2019-22 to a 25% Taxpayer Contribution which would be \$219,697.87 with  
a 2% Interest Rate.

Yes (0)

No (7) Brown, Droscha, Ferris, Madden, Schaffer, Vogel, Whipple

MOTION FAILED

MOTION by Schaffer, second by Vogel,  
To postpone the approval of the Kerns Road Special Assessment District Project indefinitely

Yes (2) Schaffer, Vogel

No (5) Brown, Droscha, Ferris, Madden, Whipple

MOTION FAILED

Yes (5) Brown, Droscha, Ferris, Madden, Whipple  
No (2) Schaffer, Vogel

ORIGINAL MOTION APPROVED

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**A. Authorize Change Order to the 2018 Local Streets Contract with Reith-Riley Construction Company, Inc. for Kerns Road Project (CIP 2017-S11) in the amount of \$936,163.00**

MOTION by Brown, second by Vogel,  
to authorize Change Order to the 2018 Local Streets Contract with Rieth-Riley Construction Company, Inc.  
for Kerns Road Project (CIP 2017-11) in the amount of \$936,163.00

Yes (6) Brown, Droscha, Ferris, Madden, Vogel, Whipple

No (1) Schaffer

MOTION APPROVED

**B. Approval of Attendees and Designated Elected Official Representative(s) to attend the Michigan Municipal**

**League Annual Conference on September 25 – 27, 2019 in Detroit, MI**

MOTION by Brown, second by Madden,  
to designate Droscha as the Designated Election Official to Represent the City of Mason at the Michigan Municipal League Annual Convention on September 25-27, 2019 in Detroit and for Vogel to serve as alternate.

MOTION APPROVED UNANIMOUSLY

**C. Approval of Road Closure for Farmer’s Market**

MOTION by Schaffer, second by Vogel,  
to approve closure of Maple Street from Jefferson St. to Barnes St. for the Mason Farmer’s Market on Saturday’s July 13 - September 28.

MOTION APPROVED UNANIMOUSLY

**D. Resolution 2019-18: Approve Resolution 2019-18 to Amend the 2018-2019 Fiscal Year Budget**

MOTION by Brown, second by Droscha,  
to approve Resolution 2019-18: Approve Resolution 2019-18 to Amend the 2018-2019 Fiscal Year Budget

CITY OF MASON  
CITY COUNCIL RESOLUTION 2019-18

AMEND THE 2018-2019 FISCAL YEAR BUDGET

June 17, 2019

BE IT HEREBY RESOLVED, that the City Council of the City of Mason that the 2018-2019 Fiscal Year Budget is amended as per the attached Budget Report for City of Mason for Fiscal Year 2018-2019.

MOTION APPROVED UNANIMOUSLY

**E. Resolution 2019-21: Approve Resolution 2019-21 to Amend the Rules of Order for the City Council and for City Boards and Commission.**

MOTION by Droscha, second by Madden,  
to approve Resolution 2019-21: Approve Resolution 2019-21 to Amend the Rules of Order for the City Council and for City Boards and Commissions

MOTION by Brown, second by Droscha,  
to amend Resolution 2019-21 to Amend the Rules of Order for the City Council and for City Boards and Commission by adding under Item 11, f, ii the word “consecutive” so it reads “these rules are applied only to the first absence if multiple consecutive meeting absences are anticipated.”

MOTION APPROVED UNANIMOUSLY

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2019-21**

**RULES OF ORDER FOR THE CITY COUNCIL AND  
FOR CITY BOARDS AND COMMISSIONS**

**June 17, 2019**

**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; and

**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; 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 any other previously approved Rules of Order; and

**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.

**RULES OF ORDER FOR THE CITY COUNCIL AND  
FOR CITY BOARDS AND COMMISSIONS**

City Council Resolution No. 2019-21  
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:

- i. Oath of Office
- ii. Call to Order
- iii. Roll Call
- iv. Pledge of Allegiance and Invocation
- v. Election of Mayor and Mayor Pro Tem
- vi. Public Comment
- vii. Presentations
- viii. Consent Calendar
- ix. Public Hearings
- x. Unfinished Business
- xi. New Business
- xii. Council Member Reports
- xiii. Manager's Report
- xiv. Adjourn (Adjourn Sine Die)

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:

- i. Oath of Office
- ii. Call to Order
- iii. Roll Call
- iv. Election of Leadership
- v. Public Comment
- vi. Presentations
- vii. Approval of Minutes (if no Consent Calendar)
- viii. Correspondence (if no Consent Calendar)
- ix. Consent Calendar
- x. Public Hearings
- xi. Unfinished Business
- xii. New Business
- xiii. Liaison Report
- xiv. Adjourn

2) MANAGEMENT OF THE ORDER OF BUSINESS.

a) Any item of business to be considered shall be appropriately filed with the City Manager, or assigned secretary to the board/commission, by noon on the Wednesday of the week preceding the subject meeting. Requests by members of the body and the City Manager/secretary shall be automatically included in the Order of Business if filed in a timely manner.

b) The City Manager/secretary shall send a complete Order of Business with supporting materials to each member by close of business on the last business day of the week preceding the subject meeting. Each item submitted for inclusion in the Order of Business shall include sufficient explanation to indicate intent.

c) Any issue introduced at a meeting that does not appear on the Order of Business may be deferred for inclusion on the Order of Business of a subsequent meeting upon the request of any one member of the body, except that said issue may be added to the current Order of Business if so approved by a majority vote of the members present.

3) 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 business meeting. Public comment shall be allowed only during the Public Comment, Presentation and Public Hearing business items, or when permitted by the meeting Chair.

b) The Public Comment business item is intended to receive comment on any topic a member of the public would like to bring to the attention of the body. A member of the public who wants to speak to a specific Order of Business 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 specific business item by the body, the Chair will call on the individual, who may speak regarding that business item in accordance with subsection (c).

- c) All public comment shall be appropriate to the conduct of a public business meeting and, if applicable, the matter 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.
- 4) PRESENTATIONS. Presentations will provide a venue in the Order of Business for brief presentations that do not require formal action.
  - 5) PUBLIC HEARINGS. Business items requiring a public hearing shall be placed under the related Public Hearing item for immediate consideration following the public hearing.
  - 6) CONSENT CALENDAR. A Consent Calendar may be used to allow the body to take action on numerous items at one time. Items in the Consent Calendar may include, but are not limited to, non-controversial matters such as approval of minutes, payment of bills, approval of simple motions, street closures, correspondence, etc. The body shall act upon all items listed in the Consent Calendar by a single vote without debate. Upon request by any member made prior to the vote on the Consent Calendar, an item in the Consent Calendar shall be removed from the Consent Calendar and placed in the Order of Business appropriately as determined by the Chair.
  - 7) MINUTES. Meeting minutes requiring approval shall be distributed to each member with the Order of Business for the next regular meeting. There shall not be a reading of the minutes at the meeting. If the Order of Business includes a Consent Calendar, approval of the minutes shall be included in the Consent Calendar. If the minutes are removed from, or not part of, the Consent Calendar and a substantial correction, as determined by the Chair, is suggested by the Chair or a member, said correction shall be agreed to by a two-thirds vote of the members present. Corrections not determined to be substantial shall be considered agreed to by consensus unless any member challenges such determination, in which case said correction shall be treated as a substantial correction. Minutes shall be considered approved by consensus without a vote if no corrections are suggested or after all suggested corrections are agreed to as required.
  - 8) UNFINISHED BUSINESS. Items considered under Unfinished Business are items or matters that have been previously addressed by the body but have not received final action
  - 9) NEW BUSINESS. Items considered under New Business are items or matters that may require immediate or future action by the body.
  - 10) COUNCIL MEMBER REPORTS. A Council member may provide information regarding an event, a meeting or a conference that might be of interest to the City Council or local residents. A Council Member Report should not exceed three minutes. If the subject matter requires additional time the Council member may place the matter on the Order of Business of a subsequent meeting.
  - 11) 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) 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.
    - c) 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.
    - d) Abstain from Voting: No member of the body 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.

- e) Considering a Motion: A motion that does not receive a second shall not be considered to be in order.
- f) Absence of a Member for Military Duty: In accordance with MCL 15.263(2) the following definition and procedures shall apply to accommodate the absence of any member from a public meeting due to military duty:
  - i. "Military Duty" means (a) training and service performed by an inductee, enlistee or reservist, or any entrant into a temporary component, of the armed forces of the United States, and (b) time spent in reporting for and returning from such training and service, or if rejection occurs, from the place of reporting, pursuant to a lawful order.
  - ii. The member of the body who will be absent from a meeting due to military duty shall notify the City Manager, or assigned secretary to the board/commission, of the intended absence and affected dates no later than the time and day stipulated in Section 2(a) of these rules as applied only to the first absence if multiple consecutive meeting absences are anticipated. The member of the body who will be absent shall provide an email address and telephone number where that member can be reached during the absence.
  - iii. Upon notification, the City Manager, or assigned secretary to the board/commission, shall post a notice of the affected public meeting no later than the time and day stipulated in Section 2(c) of these rules, which shall include the Order of Business for the meeting, a notification to the public of the name of the member who will be absent due to military duty, and a notification of the manner by which the member may be contacted by the public regarding the meeting.
  - iv. The member of the body who will be absent from a public meeting due to military duty shall be permitted to participate in, and vote on, business before the body in a manner determined by the City Manager, or their designee, to ensure 2-way communication wherever feasible, ideally utilizing a form of teleconferencing whenever possible. The member may also choose to provide written communication to the City Manager, or assigned secretary to the board/commission, indicating how they wish to vote on any item which shall be included and reported in the final tally of votes of the body.
  - v. The member of the body who will be absent from a public meeting due to military duty shall be considered to be present at the public meeting when that member has participated in the meeting pursuant to subsection (iv).

## 12) ELECTION OF LEADERSHIP

- a) Election: The Chair (Mayor), Vice-Chair (Mayor Pro Tem) and any other leadership of the body shall be elected pursuant to the applicable provisions of the City Charter or of the City Code if such provisions exist. Absent Charter or Code 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.

## 13) 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 Code, and State Statute.

## 14) SUSPEND RULES

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

## ORIGINAL MOTION APPROVED UNANIMOUSLY

## **COUNCILMEMBER REPORTS**

- Vogel reported the Historical District Commission met and that Ross Whitehead an intern in the Community Development Department this summer is working building inventory and GIS.
- Droscha reported the Planning Commission met and approved a preliminary and final site plan approval to demolish structures 202 and 206 Mason Street and 332 Center Street and construct a 4,200 square foot commercial building along with a 24-space asphalt parking lot
- Ferris reported that the Cemetery Board met an increase was made to the Opening/Closing costs.
- Ferris also announced that A&W is celebrating their 100<sup>th</sup> Birthday on June 19<sup>th</sup>.
- Mayor Whipple reported on items discussed at the MML Municipal Finance Committee.
- Vogel reported there would be a ribbon cutting ceremony for the M-36 Highway 100<sup>th</sup> Anniversary.

**MANAGERS REPORT (6/14/2019)**

- Stuart reported on items discussed at the MML Municipal Administration and Permitting Committee

**ADJOURNMENT**

The meeting adjourned at 9:06 p.m.



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Sarah J. Jarvis, City Clerk