

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF JANUARY 21, 2019**

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

Present: Councilmembers: Brown, Droscha, Ferris, Madden, Schaffer Vogel, Whipple
Absent: None
Also present: Deborah S. Stuart, Manager, Sarah J. Jarvis, City Clerk

PUBLIC COMMENT

None

CONSENT CALENDAR

MOTION by Droscha, second by Brown,
to approve the Consent Calendar as presented.

- A. Minutes:
 - 1. Approve Minutes of Regular Council Meeting January 7, 2019
- B. Financials:
 - 1. Approve Bills in the Amount of \$97,438.09
 - 2. Receipt of Monthly Revenue and Expenditure Report for Period Ending December 31, 2019
 - 3. Receipt of Quarterly Investment Report for Period Ending December 31, 2018
- C. Resolutions:
 - 1. Resolution 2019-01: Approve City Council Ex-Officio Appointments to City Boards and Commissions

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2019-01**

CITY COUNCIL EX-OFFICIO APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

January 21, 2019

WHEREAS, Section 3.15 of the Mason City Charter designates one Councilmember as a member of the Election Commission, who shall serve ex-officio from the City Council provided the Councilmember shall not be a candidate for elective office at the election for which he/she serves as a member of the Election Commission; and

WHEREAS, Section 50-32 of the Mason City Code designates that one member of the Planning Commission shall serve ex-officio from the City Council; and

WHEREAS, Section 94-361 of the Mason City Code designates that one member of the Zoning Board of Appeals may serve ex-officio from the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mason does hereby make the following City Council liaison appointments/reappointments to the specified boards and commissions of the City and that each term shall commence January 1, 2019 and expire on December 31, 2020:

Election Commission	Marlon I Brown
Planning Commission	Jon Droscha
Zoning Board of Appeals	Angela Madden

BE IT FURTHER RESOLVED, that any prior City Council ex-officio appointments are hereby declared null and void.

2. Resolution 2019-02: Approve Mayoral Ex-Officio Appointments to City Boards and Commissions

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2019-02**

MAYORAL EX-OFFICIO APPOINTMENTS TO CITY BOARDS AND COMMISSIONS

January 21, 2019

WHEREAS, Section 31-3 of the Mason City Code designates that one member of the Historic District Commission may serve ex-officio from the City Council; and

WHEREAS, on November 3, 1989, a 425 Agreement between the City of Mason and the Township of Vevay was executed requiring Joint Planning Commission members representing the City be appointed by the Mayor with approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council approves the Mayor's appointments to the following specified boards and commissions of the City and that each term shall commence January 1, 2019 and expire on December 31, 2020:

Historic District Commission	Rita Vogel
Joint Planning Commission	Ex-officio Member of the Planning Commission

BE IT FURTHER RESOLVED, that any prior City Council ex-officio appointments are hereby declared null and void.

3. Resolution 2019-03: Rules of Order for the City Council and for City Boards and Commissions

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2019-03**

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

January 21, 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. 2019-03
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. Oath of Office
2. Call to Order
3. Roll Call
4. Pledge of Allegiance and Invocation
5. Election of Mayor and Mayor Pro Tem
6. Public Comment
7. Presentations
8. Consent Calendar
9. Public Hearings
10. Unfinished Business
11. New Business
12. Council Member Reports
13. City Manager's Report
14. 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:

1. Oath of Office
2. Call to Order
3. Roll Call
4. Election of Leadership
5. Public Comment
6. Presentations
7. Approval of Minutes (if no Consent Calendar)
8. Correspondence (if no Consent Calendar)
9. Consent Calendar
10. Public Hearings
11. Unfinished Business
12. New Business
13. Liaison Report
14. Adjourn

- 2) **MANAGEMENT OF THE ORDER OF BUSINESS.** 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 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. 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. 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.

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.

MOTION APPROVED UNANIMOUSLY

UNFINISHED BUSINESS

None

NEW BUSINESS

A. Resolution 2019-04: Approve Rayner Ponds Estates No. 4, a Final Preliminary Plat to create 20 residential lots, one common area, and one remaining parcel for future development in the City of Mason.

MOTION by Brown, second by Vogel,
to approve Resolution 2019-04 – Rayner Ponds Estates No. 4, a Final Preliminary Plat to create 20 residential lots, one common area and one remaining parcel for future development in the City of Mason

MOTION by Brown, second by Droscha,
to amend Resolution 2019-04 by adding the language “with the condition that Phase 4 be part of the existing Rayner Ponds Estates Community Association” to the “Now, Therefore, Be It Resolved” of the resolution.

MOTION APPROVED UNANIMOUSLY

CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2019-04

RAYNER PONDS ESTATES NO. 4 - A FINAL PRELIMINARY PLAT SUBMITTED BY JAMES GIGUERE OF GIGUERE HOMES TO CREATE
20 RESIDENTIAL LOTS, ONE COMMON AREA, AND ONE REMAINING PARCEL FOR FUTURE DEVELOPMENT IN THE CITY OF

MASON

January 21, 2019

WHEREAS, on December 21, 2018, the Planning Commission received an application for a Final Preliminary Plat from James Giguere of Giguere Homes; and

WHEREAS, the applicant proposes the creation of 20 residential lots, one common area, and one remaining parcel for future development as part of the Rayner Ponds Estates No. 4 development; and

WHEREAS, per Land Division Act, Act 288 of 1967, the Plat must be reviewed and acted upon by the City of Mason within 90 days of receipt (March 20, 2019); and

WHEREAS, in accordance with City of Mason Ordinance Sec. 74-78(c)(3), within 63 days (February 21, 2019) the Planning Commission shall forward to the City Council its recommendation for approval, approval with conditions, or disapproval of the plat; and

WHEREAS, the Planning Commission held a public hearing on January 15, 2019; and

WHEREAS, at their January 15, 2019 meeting, following the public hearing, the Planning Commission approved Resolution 2019-01 recommending that City Council approve the Final Preliminary Plat.

NOW, THEREFORE, BE IT RESOLVED, that the Mason City Council considers the recommendation of the Planning Commission; and

NOW, THEREFORE, BE IT RESOLVED, that the Mason City Council approves the Final Preliminary Plat to create 20 residential lots, one common area, and one remaining parcel for future development as part of the Rayner Ponds Estates No. 4 development shown on a plan submitted by James Giguere of Giguere Homes dated December 20, 2018, with the condition that Phase 4 be part of the existing Rayner Ponds Estates Community Association.

ORIGINAL MOTION APPROVED UNANIMOUSLY

B. Kerns Road Improvement (2019-01) Special Assessment District

1. Resolution 2019-05: Approve Resolution 1 for Project 2019-01 Kerns Road Special Assessment District
2. Resolution 2019-06: Approve Resolution 2 for Project 2019-01 Kerns Road Special Assessment District

MOTION by Brown, second by Vogel,
to defer Resolutions 2019-05 and 2019-06 to the next Regular City Council Meeting or at a Special City Council Meeting if staff deems necessary.

MOTION APPROVED UNANIMOUSLY

C. Ordinance 224: First Reading and Introduction of Ordinance 224 to Amend Chapter 2 – Administration-Division 6 -Tree Commission – Section 2-311 Creation of Establishment

MOTION by Vogel, second by Ferris,
to introduce and read for the first time Ordinance 224 to Amend Chapter 2 – Administration-Division 6 – Tree Commission – Section 2-311 Creation of Establishment

MOTION by Brown, second by Madden,
to amend Ordinance 224 by removing language “Chapter 2 Board of Cemetery Trustees”.

MOTION APPROVED UNANIMOUSLY

ORIGINAL MOTION APPROVED UNANIMOUSLY

COUNCILMEMBER REPORTS

A. Brown provided PA 635 of 2018 and discussed the implications it would have on Section 26-161 and 26-163 of the Mason City Code.

MOTION by Brown, second by Ferris,

to have staff review and draft Ordinances for sections 26-161 and 26-163 to ensure they are in compliance with PA 635 of 2018 and maintain our current level of restrictions for fireworks.

MOTION APPROVED UNANIMOUSLY

B. Vogel reported that the Historic District Commission met today (1/21/2019). Chair and Vice-Chair were elected and that members of the commission will be attending training in March.

MANAGERS REPORT

Stuart reported that staff had an In-Service today and she provided council with a copy of the blog from the presenter Phil Wrzesinski regarding his presentation to the City of Mason employees. Stuart reminded everyone about the February 11, 2019 Joint Council and Planning Commission CIP meeting.

Mayor Whipple requested that this meeting be moved to either February 12 or 13. Stuart will provide the rescheduled date once decided.

Stuart reported that we recently had several audits for the Police Department, Redevelopment Ready Communities, and the Historical District Commission. All three went very well and will be driving some policy changes.

Jarvis reminded council of the Joint Recognition Ceremony on February 4, 2019 at 6:30 p.m. in the Sycamore Room at Mason City Hall.

ADJOURMENT

The meeting adjourned at 8:36 p.m.



Sarah J. Jarvis, City Clerk