

**CITY OF MASON  
REGULAR CITY COUNCIL MEETING  
MINUTES OF FEBRUARY 4, 2019**

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

Present: Councilmembers: Brown, Droscha, Ferris, Schaffer, Vogel, Whipple  
Absent: Madden  
Also present: Deborah S. Stuart, Manager, Sarah J. Jarvis, City Clerk, Tom Hitch, City Attorney (arrived at 7:58 p.m.)

**PUBLIC COMMENT**

None

**CONSENT CALENDAR**

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

- A. Minutes: Approve Minutes of Regular Council Meeting January 21, 2019
- B. Correspondence: Receipt of City Attorney's Report Dated January 31, 2019
- C. Financials:
  - 1. Approve Bills in the Amount of \$50,995.21
  - 2. Authorize Contract with ArborPro, Inc. for City Tree Evaluation in the amount of \$10,115

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

No (0)

Absent: (1) Madden

MOTION APPROVED

**UNFINISHED BUSINESS**

**A. Resolution 2019-05 (Project 2019-01) Special Assessment District:**

- 1. Resolution 2019-05: Approve Resolution No. 1 for Project No. 2019-1 Kerns Road Special Assessment District**

MOTION by Brown, second by Droscha,  
to approve Resolution 2019-05: Resolution No. 1 for Project No. 2019-1 Kerns Road Special Assessment District

CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2019-05  
  
RESOLUTION NO. 1 FOR PROJECT NO. 2019-1  
2019 KERNS ROAD IMPROVEMENTS SPECIAL ASSESSMENT

February 4, 2019

**WHEREAS**, upon its own motion and without petition, the City Council of the City of Mason desires to be advised of street, curb and gutter, street lighting, storm drain and water main improvements within the City, generally described as follows:

The excavation, bituminous paving, curb and gutter and related street drainage improvements, concrete driveway approaches and construction area restoration of the following properties and along and adjacent to the following streets: 700 Acme, 800 N Cedar, 845 Howell, V/L Kerns, 805 Kerns, 807 Kerns, 809 Kerns, 812 Kerns, 830 Kerns; and

**WHEREAS**, an estimate of the expenses of the Project and engineering drawings must be made, and the proposed special assessment district therefore must be determined.

**NOW THEREFORE BE IT RESOLVED**, that

- 1) The City Council does hereby tentatively declare its intention to proceed with the Project;
- 2) The City Manager and/or Treasurer are hereby ordered to cause plans showing the Project, the location thereof, the proposed special assessment district, and estimates of the cost of the Project, to be prepared by Wolverine Engineers and Surveyors, Inc., Mason, Michigan;
- 3) The City Manager, when the engineering plans and estimates for the Project are completed, is ordered to file same with the City Clerk, and said plans and estimates shall be made available for public inspection;
- 4) The City Manager and/or Treasurer are hereby further authorized to proceed with all other necessary actions to initiate the Project;
- 5) All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

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

No (0)

Absent: (1) Madden

MOTION APPROVED

## **2. Resolution 2019-06: Approve Resolution No. 2 for Project 2019-1 Kerns Road Special Assessment District**

MOTION by Droscha, second by Brown,  
to approve Resolution 2019-06: Resolution No. 2 for Project No. 2019-1 Kerns Road Special Assessment District

**CITY OF MASON  
CITY COUNCIL RESOLUTION NO. 2019-06**

**RESOLUTION NO. 2 FOR PROJECT NO. 2019-1  
2019 KERNS ROAD IMPROVEMENTS SPECIAL ASSESSMENT**

**February 4, 2019**

**WHEREAS**, the City Council has ordered plans and estimates of costs for the Kerns Road Improvements to include excavation, bituminous paving, curb and gutter and related street drainage improvements, concrete driveway approaches and construction area restoration improvements described more specifically below, to be made; and

**WHEREAS**, the City Council of the City of Mason, deems it advisable and necessary for the public health, safety and welfare of the City and its inhabitants to carry out the following generally described street, curb and gutter and storm drain improvement project:

The excavation, bituminous paving, curb and gutter and related street drainage improvements, concrete driveway approaches and construction area restoration of the following properties and along and adjacent to the following streets: 700 Acme, 800 N Cedar, 845 Howell, V/L Kerns, 805 Kerns, 807 Kerns, 809 Kerns, 812 Kerns, 830 Kerns; and

Further, the City Council deems it advisable to defray all or a portion of the cost of the Project through special assessments assessed against the properties specially benefited thereby; and

**WHEREAS**, the City Council desires to proceed further with the Project.

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

- 1) The City Council tentatively declares its intention to proceed with the Project as generally described above, and to defray all or a portion of the cost thereof by special assessments against the properties specially benefited thereby in the proposed Kerns Road improvement special assessment district;
- 2) There is hereby tentatively designated a special assessment district against which all or a portion of the costs of the Project are to be assessed, consisting of the lots and parcels of land described in **Exhibit A**, attached hereto and made a part hereof by reference;
- 3) The City Council shall meet at a regular meeting in the City Hall, 201 West Ash Street, Mason, Michigan 48854, on Monday, the 4th day of March, 2019 at 7:30 p.m., at which time and place the City Council will hear any objections to the Project and to the proposed special assessment district therefore;
- 4) The City Clerk is hereby ordered to cause notice of such hearing to be made to the owners of the lots and parcels of land described in **Exhibit A**, attached hereto and made a part hereof by reference, pursuant to Section 66-4 of the Mason Code and the provisions of the City Charter. Said notice 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  
KERNS ROAD IMPROVEMENTS  
SPECIAL ASSESSMENT PROJECT NO. 2019-1**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF MASON, INGHAM COUNTY, MICHIGAN**, the owners of the land described below within the proposed Kerns Road Special Assessment District 2019-1, and any other interested persons:

**PLEASE TAKE NOTICE** that the City Council of the City of Mason, acting on its own initiative, proposes to make the following improvements with respect to the proposed Kerns Road Special Assessment District-Project 2019-1:

Excavation, bituminous paving, curb and gutter and related street drainage improvements, concrete driveway approaches and construction area restoration improvements of the following properties and along and adjacent to the following streets: 700 Acme, 800 N Cedar, 845 Howell, Kerns, 805 Kerns, 807 Kerns, 809 Kerns, 812 Kerns, 830 Kerns; and

**TAKE FURTHER NOTICE** that the City Council will meet on Monday, the 4th day of March 2019, at 7:30, p.m., in the City Hall, 201 West Ash Street, Mason, Michigan 48854, for the purpose of hearing any objections to the proposed street, curb and gutter, and storm drain improvement project and the proposed special assessment district therefore.

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 proposed sidewalk improvement project, the special assessment district or the amount of the special 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 street and sidewalk improvement special assessment project is available at the City Clerk's office, City Hall, 201 West Ash Street, Mason, Michigan 48854.

Dated: February 4, 2019

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Sarah Jarvis, City Clerk  
City of Mason  
Ingham County, Michigan

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

Yes (6) Brown, Droscha, Ferris, Schaffer, Vogel, Whipple  
No (0)  
Absent: (1) Madden

MOTION APPROVED

**B. Ordinance 224: Second Reading and Adoption of Ordinance 224 to Amend Chapter 2 – Administration – Division 6 – Tree Commission – Section 2-311 Creation and Establishment**

MOTION by Droscha, second by Ferris,  
to Read for the second time and Adopt Ordinance 224 to Amend Chapter 2–Administration – Division 6 – Tree Commission – Section 2-311 Creation and Establishment

Yes (6) Brown, Droscha, Ferris, Schaffer, Vogel, Whipple  
No (0)  
Absent: (1) Madden

MOTION APPROVED

**C. Ordinance 225: First Reading and Introduction of Ordinance 225 to Amend Chapter 26 – Fire Prevention and Protection – Division 2 – Allowable Fire – Article IV – Fireworks**

MOTION by Brown, second by Droscha,  
to Introduce and Read for the first time Ordinance 225 to Amend Chapter 26 – Fire Prevention and Protection – Division 2 – Allowable Fire – Article IV – Fireworks

Yes (6) Brown, Droscha, Ferris, Schaffer, Vogel, Whipple  
No (0)  
Absent: (1) Madden

MOTION APPROVED

**NEW BUSINESS**

**A. Approve Amended Directory of Charges**

MOTION by Brown, second by Vogel,  
to approve amended Directory for Charges as presented.

Yes (6) Brown, Droscha, Ferris, Schaffer, Vogel, Whipple  
No (0)  
Absent: (1) Madden

MOTION APPROVED

## **COUNCILMEMBER REPORTS**

- Schaffer asked if Directory of Charges would be reviewed annually – Manager Stuart replied that it would be reviewed annually
- Schaffer acknowledged the Department of Public Works staff for doing a good job in keeping the streets cleared of snow last week
- Vogel inquired about the City looking in to purchasing the Library building. – Manager Stuart replied that currently the City owns the building but with restrictions. To lift these restrictions there would be a process that would need to be gone through with the County and the School.
- Brown reported that he attended the MML Board Meeting on January 25, 2019. He reported that Chris Kolb Director of the Michigan State Budget Office presented to the Board. League staff reviewed Lame Duck Legislation and how it will impact local government.
- Brown encouraged everyone if they haven't all ready to register for the MML Capital Conference.
- Brown congratulated City Manager Stuart for being appointed to the MML Advocacy and Permitting Administration Committee and Mayor Whipple to the MML Finance Committee and Brown reported that he has been appointed as the Trustee Liaison to the MML Foundation.

## **MANAGERS REPORT**

Stuart reported that she will be attending the Michigan Municipal Executive Conference in Battle Creek this week. Representatives from LARA will be at the conference to give an update on the Marihuana regulations and another session will be on new Pension Regulation. Stuart reminded everyone that the Joint Planning Commission and City Council CIP Workshop is scheduled for February 12, 2019 at 7:00 p.m. or as soon as the Planning Commissions 6:30 p.m. meeting adjourns. Stuart also said that a tentative date for the 2019-2020 Budget meeting is set for Saturday, April 13, 2019 in the morning.

## **CLOSED SESSION**

MOTION by Vogel, second by Droscha to Adjourn to Closed Session with the City Attorney regarding Pending Litigation between Vevay Township and the City of Mason.

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

No (0)

Absent: (1) Madden

### **MOTION APPROVED BY ROLL CALL VOTE**

Meeting adjourned to close session at 7:58 p.m.

Mayor Whipple reconvened to the Open Meeting at 8:55 p.m.

MOTION by Brown, second by Droscha to accept recommendation from the City Attorney on additional settlement and litigation activities in the case of Vevay Township v. City of Mason as addressed in closed session.

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

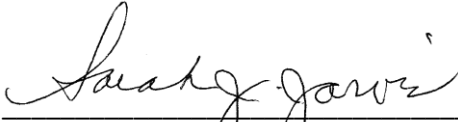
No (0)

Absent: (1) Madden

MOTION APPROVED

**ADJOURMENT**

The meeting adjourned at 8:57 p.m.

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Sarah J. Jarvis, City Clerk