

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 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, Madden Schaffer, Vogel, Whipple
Absent: None
Also present: Deborah S. Stuart, Manager, Sarah J. Jarvis, City Clerk

PUBLIC COMMENT

None

CONSENT CALENDAR

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

- A. Minutes: Approve Minutes of Regular Council Meeting February 18, 2019
- B. Correspondence: Receipt of City Attorney's Report Dated March 1, 2019
- C. Financials:
 - 1. Approve Bills in the Amount of \$106,518.84
 - 2. Authorize Contract with Mauldon Brothers Construction for 2019 Local Streets Project (CIP 2019-S5, -S12, -S13) in the amount of \$432,850
- D. Resolutions:
 - 1. Resolution 2019-07: Establishment of a Request for Funding, Designate and Agent, Attest to the Existence of Funds and Commit to Implementing a Maintenance Program for the Kerns Road Reconstruction Funded by the Transportation Economic Development Fund Category B Program

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2019-07**

ESTABLISHMENT OF A REQUEST FOR FUNDING, DESIGNATE AN AGENT, ATTEST TO THE EXISTENCE OF FUNDS AND COMMIT TO IMPLEMENTING A MAINTENANCE PROGRAM FOR KERNS ROAD RECONSTRUCTION FUNDED BY THE TRANSPORTATION ECONOMIC DEVELOPMENT FUND CATEGORY B PROGRAM

March 4, 2019

WHEREAS, the City of Mason is applying for \$250,000 in funding through MDOT from the Transportation Economic Development Category B Program to completely reconstruct Kerns Road including the removal of the existing bituminous surface; installing storm sewer; extending sanitary sewer service; concrete curb and gutter; adding a 10-foot-wide non-motorized pathway and six (6) inches of new HMA pavement.

WHEREAS, MDOT requires a formal commitment from the public agency that will be receiving these funds and will be implementing and maintaining these infrastructure project.

NOW THEREFORE BE IT RESOLVED, that the City has authorized Deborah Stuart, City Manager, to act as agent on behalf of the city to request Transportation Economic Development Fund Category B Program funding, to act as the applications agent during the project development and to sign a project agreement upon receipt of the funding award.

BE IT FURTHER RESOLVED THAT, the City attests to the existence of, and commits to, providing a least \$250,000 toward the construction costs of the project(s), and all costs for design, permit fees, administration costs, and cost overruns.

BE IT FURTHER RESOLVED THAT, the City commits to owning operation, funding, and implementing a maintenance program over the design life of the facilities constructed with Transportation Economic Development Fund Category B Program funding.

2. Resolution 2019-08: Adoption of Local Pavement Warranty Program

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2019-08**

ADOPTION OF LOCAL PAVEMENT WARRANTY PROGRAM

March 4, 2019

WHEREAS, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Local Agency Pavement Warranty program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty program consisting of special Provisions (boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

NOW THEREFORE BE IT RESOLVED, the City of Mason hereby adopts the Michigan local Agency Pavement Warranty Program and accompanying document in accordance to the requirements of MCL 247.663;

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of the City Council meeting on March 4, 2019.

3. Resolution 2019-09: Implementation of Local Pavement Warranty Program

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2019-09**

IMPLEMENTATION OF LOCAL PAVEMENT WARRANTY PROGRAM

March 4, 2019

WHEREAS, the Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the City of Mason adopted the Michigan Local Agency Pavement Warranty program on March 4, 2019;

WHEREAS, the City of Mason agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items and includes any state or federal funds;

WHEREAS, the Local Agency Pavement warranty program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items and includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the City of Mason agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which the City of Mason adopted Implementation Policy defines the City of Mason's intent of its pavement warranty program;

NOW THEREFORE BE IT RESOLVED, that the City of Mason hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

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

No (0)

MOTION APPROVED

PUBLIC HEARING

A. Public Hearing of Necessity for Project 2019-1 Kerns Road Special Assessment District

Mayor Whipple opened the Public Hearing at 7:39 p.m.

- Jason Dollman of 812 Kerns Road asked how long the project would take and whether their patients would be able to still get to their clinic.
- Scott Sommerville of 700 Acme Drive questioned the need for curb and gutter as they have had no drainage problems on Kerns Road. Thought that a mill and fill would be sufficient enough
- Matt Sharp of 809 Kerns Road questioned the need for curb and gutter as well and said that Kerns Road has had no drainage issues therefore curb and gutter should not be necessary. Expressed concerns regarding the cost as there are so few people/businesses to share this cost. Does not feel that there would be an increase to the property value. Feels that what it will cost for this project is money he would not be able to invest back into his company to better the Mason community.
- Roger Howery of 1633 Plains Road feels that only a top coat is needed on Kerns Road. Stated he didn't remember it being done in the last 20 years and it's lasted this long. Feels City should save money where it can.
- Dr. Katafiasz of 812 Kerns Road expressed concerns of not having enough time to budget for this extra cost. Also expressed concerns regarding patients continuing to have access to their clinic during the construction process.
- Jeff Kessler 805 Kerns Road stated he is a new owner of the Mason Auto Body Shop and that this will have a large impact on him financially. However, felt a little better after hearing that funding is being sought to pay for part of the project and that his original thoughts of what it would cost him would be lower.
- Kevin Ammerman – 807 Kerns – Per Email: As the owners of 807 Kerns we are opposed to the proposal for the upgrades being recommended to Kerns Road.

Mayor Whipple wanted it noted that we will provide copies of the next Resolutions of the Special Assessment process to each of the property owners so that they are kept informed.

Mayor Whipple closed the Public hearing at 8:40 p.m.

UNFINISHED BUSINESS

A. Approve Rescheduling of May 6, 2019 City Council Meeting to May 8, 2019 Due to the Election.

MOTION by Brown, second by Schaffer,
to amend motion from the February 18, 2019 Regular City Council Meeting to approve the
rescheduling of the May 6, 2019 City Council Meeting to May 8, 2019 Due to the Election.

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

MOTION APPROVED

MOTION by, Brown, second by Schaffer,
to approve rescheduling of the May 6, 2019 City Council Meeting to May 8, 2019 due to the
election

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

MOTION APPROVED

B. Approve Amended Special Assessment District Policy

Motion by Brown, second by Droscha
to approve amended Special Assessment District Policy

Motion by Schaffer, second by Droscha
to defer the approval of the amended Special Assessment District Policy to the next Regular City Council Meeting to be held on March 18, 2019

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

NEW BUSINESS

A. Ordinance 226: Introduction and First Reading of Ordinance 226 to Amend the Mason Zoning Map by rezoning parcel 33-19-10-08-240-019 (118 W. Oak Street) from an O-1: General office district to a C-1: Central business district

MOTION by Brown, second by Vogel,
to introduce and read for the first time Ordinance 226 to Amend the Mason Zoning Map by rezoning parcel 33-19-08-240-019 (118 W. Oak Street) from an O-1: General office district to a C-1: Central business district

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

MOTION APPROVED

B. Discussion on Water Bills

Vogel expressed that she was very pleased with the new Citizens Guide for Water Bills and that it did a good job addressing the questions and concerns of residents.

Whipple requested that if we could add definitions of the Codes that are on the water bills. Manager Stuart stated that this will be added to the next version of the citizen's guide as well as pictures on how to read your meter.

COUNCILMEMBER REPORTS

- Schaffer asked that the allowing of comments on the City's Facebook page be reactivated and that a moderator be assigned to the page. Manager Stuart stated that it is next to impossible to moderate this page 24/7 and that we were having people reporting crimes in the comments expecting emergency

services to respond. In addition, we were having inappropriate/obscene comments left in the comments that were difficult to stay on top. Also, unless there is inappropriate language used in the comments, we are obligated to not delete the comment, therefore it is in the City's best interest to eliminate all comments.

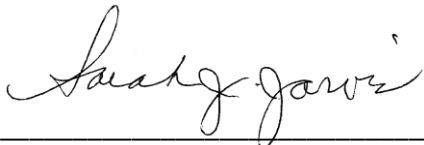
- Schaffer asked what steps the City needs to do if LARA does not pass regulations in regards to Marihuana. Manager Stuart stated that she is quite confident that LARA will pass regulations by the November deadline.
- Vogel expressed concerns regarding the Facebook comments as well and asked why do we have the Facebook page at all if there are no comments.
- Ferris said that the Facebook page should only be used as an informational forum which then would lead residents to our webpage and city staff for additional details
- Ferris reported that the Tree Commission /Cemetery Board met today (March 4, 2019) and that the Tree Commission will be accepting nominations for the 2019 Arbor Day recipient until March 20, 2019. Nominations should be sent to the City Clerk.
- Whipple reported that he presented two proclamations to Eagle Scouts Lucas L. Barnes and Matthew S. Hofmann.
- Whipple requested that at the next Council Meeting on March 18, 2019 that the removal of Facebook comments be added to the agenda for the council to take formal action.

MANAGERS REPORT (2/15/2019)

- Stuart asked that if you plan to go on the facilities tour that you RSVP. She also wanted to highlight the Certificate of Achievement the City of Mason received from the State of Michigan acknowledging the receipt of a perfect score on the 2018 AMAR Review and the continued efforts to provide fair and equitable assessing. Out of 320 there were only 48 who received this achievement. Stuart wanted to acknowledge our Assessing team and the great job that they are doing.

ADJOURNMENT

The meeting adjourned at 9:16 p.m.



Sarah J. Jarvis, City Clerk