

**CITY OF MASON
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 4, 2020**

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

Present:

Roll Call		Present	Absent	Location
<i>Mayor</i>	Whipple	X		Mason, Michigan
<i>Mayor Pro Tem</i>	Brown	X		Mason, Michigan
<i>Council Member</i>	Droscha	X		Mason, Michigan
<i>Council Member</i>	Ferris		X	
<i>Council Member</i>	Madden	X		Mason, Michigan
<i>Council Member</i>	Schaffer	X		Mason, Michigan
<i>Council Member</i>	Vogel	X		Williamston, Michigan

Also present: Deborah S. Stuart, City Manager, Sarah J. Jarvis, City Clerk, Michelle Pietsch, Finance Director

PUBLIC COMMENT

None

CONSENT CALENDAR

MOTION by Brown, second by Madden,
to approve the Consent Calendar with the removal of Item C3.

A. Minutes:

1. Approve Minutes of Regular Council Meeting October 19, 2020

B. Correspondence:

1. Receipt of City Attorney’s Report Dated October 28, 2020
2. Receipt of Downtown Development Authority – Annual Report for the Fiscal Year Ending June 30, 2020
3. Receipt of Local Development Finance Authority – Annual Report for Fiscal Year Ending June 30, 2020
4. Receipt of State of Michigan Public Act 202 Form 5572 Report on Pension and Other Post-Employment Benefits (OPEB)

C. Financials:

1. Approve Bills in the Amount of \$101,166.29
2. Approve the Municipal Employees’ Retirement System (MERS) and Defined Benefit Plan Adoption Agreement Addendums and Authorize the City Manager to Execute the Agreements
3. Waive the Bidding Process and Approve Purchase of Body Worn Cameras (BWC) (CIP: 2018-B22) and Associated Equipment in the Amount of \$57,615.90 from Axon, Enterprise, Inc. - **Removed from Consent Agenda**
4. Authorize Payment to the Adrian and Blissfield Railroad in the Amount of \$8,775 for the Jefferson Street – Railroad Pedestrian Crossing Project (CIP-2020+P5) and the Necessary Budget Amendments

D. Resolutions:

1. Resolution 2020-29: Approval of a Two-Year Extension to Rayner Ponds Estates No. 4 – A Final Preliminary Plat

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2020-29**

**APPROVAL OF A TWO-YEAR EXTENSION TO RAYNER PONDS ESTATES
NO. 4 - A FINAL PRELIMINARY PLAT**

November 4, 2020

WHEREAS, on January 15, 2019, City Council approved Resolution 2019-01 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, City Ordinance, Sec. 74-80(e) states that the approval is valid for a period of two years from the date of approval; and

WHEREAS, the applicant has submitted a request for a two-year extension due to project delays associated with impacts of Covid-19; and

WHEREAS, in accordance with City of Mason Ordinance Sec. Sec. 74-80(e), City Council may extend the approval.

NOW, THEREFORE, BE IT RESOLVED, that the Mason City Council approves a two-year extension of 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.

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

No (0)

Absent (1) Ferris

MOTION APPROVED BY ROLL CALL VOTE

UNFINISHED BUSINESS

A. Resolution 2020-30: Authorization of the Bottomland Mitigation on Sycamore Creek and the Execution of the Necessary Documents

MOTION by Schaffer, second by Brown,
to approve Resolution 2020-30: Authorization of the Bottomland Mitigation on Sycamore Creek and the Execution of the Necessary Documents

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2020-30**

**AUTHORIZATION OF THE BOTTOMLAND MITIGATION ON SYCAMORE CREEK AND
THE EXECUTION OF THE NECESSARY DOCUMENTS**

November 4, 2020

WHEREAS, the Drain Commissioner received for the reason that it is necessary to protect the waters of the state from potential hydrocarbon spills and leaks experienced in the Bauer Drain (the "Drain"), a Petition dated November 12, 2018, requesting relocation and improvement of the Bauer Drain (the "Drain"); and,

WHEREAS, an Order of Necessity was entered on December 10, 2018, determining that the relocation and improvement of the Drain was necessary and conducive to the public health, convenience or welfare, and that the Drain should be improved to protect the waters of the state from potential hydrocarbon spills and leaks experienced in the Bauer Drain in a manner consistent with now-existing federal and state statutes and regulations, and local ordinances; and,

WHEREAS, the Drainage District is developing plans and specifications for relocating and improving the Drain (the "Project"), and is in

the process of securing or has secured a permit from the Michigan Department of Environment, Great Lakes and Energy ("EGLE), File No. WRP- 023342 pursuant to Part 301 and 303 of the Michigan Natural and Environmental Protection Act ("NREPA"), that will require inland stream bottomland mitigation and such mitigation will include work within the Sycamore Creek and more particularly, on property owned by the City; and,

WHEREAS, the Drain Commissioner has requested that the City grant permission to access, use and occupy the City property identified by parcel nos. 33-19-10-05-252-014, 33-19-10-05-276-001, 33-19-10-05-427-007, 33-19-10-05-426-003, and 33-19-10-05-426-001 to undertake the inland stream bottomland work consistent with the requirements set forth in the EGLE Permit; and,

WHEREAS, the City is willing grant the Drainage District permission to access, use and occupy the City property to undertake the inland stream bottomland work consistent with the requirements set forth in the EGLE Permit, and the Project plans and specifications, subject to the terms and conditions of an interlocal agreement ("Agreement") between the City and the Drainage District and without cost, liability or risk to the City, in substantial form as attached as Attachment A to this resolution; and,

WHEREAS, as a condition of the Agreement, the City will be required to execute a Conservation Easement (attached to the Agreement) in favor of the State of Michigan that, among other things, protects bottomlands of the Sycamore Creek and permits the Drainage District to design, construct, repair, replace, improve and monitor the instream mitigation structures installed by the Drainage District without cost, liability or risk to the City; and,

WHEREAS, an unplatted portion of the Sycamore Creek located in the Northeast ¼ of Section 5 in the City of Mason, and immediately adjacent to property owned by the City is required for the Conservation Easement is owned by Pinehill Estates, LLC, a Michigan liability company; and,

WHEREAS, the Pinehill Estates, LLC has agreed to convey to the City the unplatted portion of the Sycamore Creek to the City, and the City agrees to accept said property, which will be included in the Conservation Easement;

NOW, THEREFORE BE IT RESOLVED, as follows:

1. The City approves the interlocal agreement between the City and the Bauer Drain Drainage District attached as Attachment A, and authorizes its Mayor and City Clerk to execute said agreement.
2. The Mayor and Clerk are authorized to execute the Conservation Easement with the State of Michigan as set forth in Agreement.
3. City accepts the unplatted portion of the Sycamore Creek that is required for the Conservation Easement owned by Pinehill Estates, LLC, a Michigan liability company, as set forth in the quit claim deed from Pinehill Estates, LLC attached as Attachment B.
4. All previous resolutions, or parts of previous resolutions of the council that are inconsistent with this resolution are hereby rescinded.

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

No (0)

Absent (1) Ferris

MOTION APPROVED BY ROLL CALL VOTE

NEW BUSINESS

A. Approve K-9 Adoption from the Ingham County Animal Control and the Necessary Budget Amendments

MOTION by Madden, second by Brown,
to approve K-9 Adoption from the Ingham County Animal Control and the Necessary Budget
Amendments

Yes (4) Brown, Droscha, Madden, Whipple

No (2) Schaffer, Vogel

Absent (1) Ferris

MOTION APPROVED BY ROLL CALL VOTE

The Mayor noted he would expect staff to come back to Council prior to the adoption of the dog with

a full explanation of the costs and funds that have been raised.

B. Resolution 2020-31: City Manager Performance Evaluation

MOTION by Madden second by Droscha,
to approve Resolution 2020-31: City Manager Performance Evaluation

**CITY OF MASON
CITY COUNCIL RESOLUTION NO. 2020-31
CITY MANAGER PERFORMANCE EVALUATION**

November 4, 2020

WHEREAS, in accordance with City Council Resolution 2019-26, the City Council shall periodically conduct a formal review of the job performance of the City Manager in a manner consistent with the formal process for said evaluation stipulated therein; and

WHEREAS, on October 19, 2020 the City Council met with City Manager Deborah S. Stuart to discuss her job performance, including discussion of the written input provided by each City Councilmember, as well as discussion regarding any obstacles to optimal job performance identified by the City Manager; and

WHEREAS, at the request of Manager Stuart, the review by the City Council was held in open session in accordance with the provisions of the Open Meetings Act.

NOW, THEREFORE BE IT RESOLVED, that the City Council is very satisfied with Manager Stuart in her management of City operations and her overall service to the City of Mason. Manager Stuart continues to meet or exceed job performance expectations and continues to manage City affairs in a manner that is consistent with the collective goals of the City Council and the ideals of the community; and

BE IT FURTHER RESOLVED, that Manager Stuart is to be lauded for her leadership and management skill in successfully guiding City operations during the COVID-19 pandemic as well as her on-going efforts to enhance communication with the City Council and the public; and

BE IT FURTHER RESOLVED, that in accordance with City Council Resolution 2019-26, this resolution is hereby submitted by Mayor Russell W. Whipple and Mayor Pro Tem Marlon I. Brown for consideration by the City Council as the written summary of the conclusions of the City Council regarding the job performance of City Manager Deborah S. Stuart; and

BE IT FINALLY RESOLVED, that in accordance with City Council Resolution No. 2019-26, a copy of this resolution shall be placed in the personnel file of City Manager Deborah S. Stuart.

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

No (0)

Absent (1) Ferris

MOTION APPROVED BY ROLL CALL VOTE

COUNCILMEMBER REPORTS

- Vogel thanked the City Clerk and congratulated the newly elected city council members.

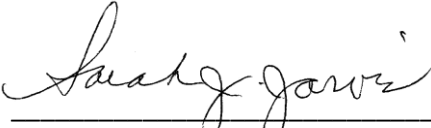
MANAGERS REPORT (10/01/2020)

Stuart reported that the materials that the City Mayor and the Homeowner had in regards to 410 E. Maple Street have been forwarded to Mr. Elliot of Material Testing Consultants to see if it would have any impact on his conclusion.

Stuart also acknowledged the exceptional turn out at the Election and acknowledged the Clerk and her staff on a job well done on administering the election.

ADJOURNMENT

The meeting adjourned at 8:02 p.m.



Sarah J. Jarvis, City Clerk