

November 4, 2002
Gladwin, Michigan

The Regular Meeting of the Gladwin City Council was called to order at 7:30 p.m. by Mayor Winarski.

Present: Alward, Caffrey, Crawford, Hindman, Jungman, Matteson, Mienk, Novak

Absent: None

Staff Present: Bob McConkie, Shannon Greaves, Betty Barnebee, Doug Jacobson, Charlie Jones

Also Present: Mayor Winarski, Tricia Keith, Steve Levere, Denise Molloseau, Steve Scott

Motion by Council Member Matteson, supported by Council Member Jungman to approve Warrant 03-13 in the amount of \$88,886.10 and Warrant 03-14 in the amount of \$49,108.38. All ayes. Motion carried.

Hearing of Delegations

Tricia Keith from the Michigan Economic Development Corporation presented a plaque to the City of Gladwin.

Steve Levere was present from Page, Olson to present the audit.

Denise Molloseau spoke to the City Council regarding an incident in the City of Gladwin.

Motion by Council Member Jungman, supported by Council Member Hindman to approve the agenda with the following additions: Old Business – (e) Resolution – Acceptance of St. Andrews Drive, (f) Safety – Pedestrians on Bridge, (g) Update on Sidewalks at Lee Otto. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Hindman to approve the consent agenda which includes the following: Communications – (i) Letter Regarding Martinek, et al. v. City of Gladwin, (ii) MEDC Minute – October 2002, (iii) Consumers Energy – Case No. U-13491, (iv) Letter to Gary DeShano Regarding Pine Ridge II, (v) Proposal 3 Press Release; Meetings – District Commissioners 10/8/02, Personnel Committee 10/24/02, Parks Commission 10/28/02, Planning Commission 10/28/02, Arena Board 10/29/02, Finance Committee 10/30/02. All ayes. Motion carried.

Old Business

Steve Scott was present from Bartow and King Engineers, Inc.

Motion by Council Member Matteson, supported by Council Member Caffrey to approve payment No. 2 for Bilacic Trucking, Inc. in the amount of \$57,951.45. All ayes. Motion carried.

Discussion on Clendening Road sidewalk.

Motion by Council Member Caffrey, supported by Council Member Alward to approve Change Order No. 2 for Bilacic Trucking, Inc. in the amount of \$4,700.00. The new contract price is \$142,725.00. All ayes. Motion carried.

Mayor Winarski led discussion about employees retirement who were not covered by the MERS Plans, and about City Council members being offered retirement benefits. Motion by Hindman, supported by Mienk to offer the Steelworkers Pension Trust Retirement Plan to Council Members. Also to offer the Steelworkers Pension Trust Retirement Plan to full time office staff not covered by MERS Retirement plan as an option in lieu of ICMA 401(a) plan. Ayes: Alward, Crawford, Hindman, Jungman, Mienk, Novak; Nays: Caffrey and Matteson.

**RESOLUTION NUMBER 03-11
RESOLUTION FOR ADOPTING MUNICIPAL EMPLOYEES'
RETIREMENT SYSTEMS OF MICHIGAN
DEFINED BENEFIT PROGRAMS**

The City Council of the City of Gladwin, whose fiscal year is July 1 to June 30, desires to make available to its eligible employees benefits provided by the Municipal Employees' Retirement System of Michigan (MERS), as authorized by 1996 PA 220. Benefits available are those provided under the Plan Document of 1996.

IT IS RESOLVED that pursuant to the Initial Actuarial Valuation dated September 1, 2002, by MERS actuary, MERS benefits stated in Section 1 below are to be provided to the following Employee division: **Police and Administrators**

1. Benefit program/formulae selected are: **B-4, V-10, F50/25, FAC-3.**
2. The required employee contribution is three (3%) percent.
- 3.1 Prior service credit with this municipality rendered previously by each covered employee in the division is subject to and shall be credited as provided under Section 2C(3) of the MERS Plan Document and MERS initial Actuarial Valuation and Supplemental Valuation Procedure (as approved by the Retirement Board on September 28, 1999), whose respective terms are incorporated by reference.

All prior service from date of hire provided each employee covered by the plan pay their share of actuarial accrued liability as indicated on Page 25 of Initial Actuarial Valuation Dated September 1, 2002.

- 3.2 The Initial Valuation discloses the actuarial reduction in the employer's future contribution rate that will occur where assets of a preceding qualified plan (whether defined benefit or defined contribution plan) and/or other sources are transferred to MERS.
- 3.3 In all assets transfers, the employer shall furnish MERS with all necessary and specific information required by MERS on the allocation of employer and employee contributions and investment earnings, along with taxable and non-taxable status on the employee contribution portion.
4. The effective date of this resolution for making deductions for the employee contributions specified above, and for the payment of necessary employer contributions to MERS, as required in the Plan Document, shall be the same date that MERS coverage begins, which is July 1, 2002.
5. For municipalities, Plan Section 41 requires adoption by affirmative vote of a majority of the governing body. A certified copy of this resolution will be forwarded to MERS.

The foregoing resolution was offered by Council member Matteson, and supported by Council member Jungman and Roll Call vote on the matter follows:

Ayes: Alward, Caffrey, Crawford, Hindman, Jungman, Matteson, Mienk, Novak
Nays: None
Absent: None
Abstain: None

Resolution declared adopted this 4th day of November, 2002

**RESOLUTION NUMBER 03-12
RESOLUTION FOR DEFINING A DAY OF WORK OR
HOURS PER MONTH FOR MERS RETIREMENT PURPOSES**

In accordance with Section 3(1) of the MERS Plan Document, as amended, the City Council of the City of Gladwin does hereby certify that a day of work, or the number of hours work in a month, for **Police and Administrators** for retirement purposes, shall consist of the following to be effective as of July 1, 2002.

IT IS RESOLVED that a day shall consist of 8 hours work.

The foregoing resolution was offered by Council member Matteson, and supported by Council member Jungman and Roll Call vote on the matter follows:

Ayes: Alward, Caffrey, Crawford, Hindman, Jungman, Matteson, Mienk, Novak
Nays: None
Absent: None
Abstain: None

Resolution declared adopted this 4th day of November, 2002.

**RESOLUTION NUMBER 03-13
RESOLUTION FOR DEFINING A DAY OF WORK OR
HOURS PER MONTH FOR MERS RETIREMENT PURPOSES**

In accordance with Section 3(1) of the MERS Plan Document, as amended, the City Council of the City of Gladwin does hereby certify that a day of work, or the number of hours work in a month, for **NEW General Administrative Employees** for retirement purposes, shall consist of the following to be effective as of July 1, 2002.

IT IS RESOLVED that a day shall consist of 8 hours work.

The foregoing resolution was offered by Council member Matteson, and supported by Council member Jungman and Roll Call vote on the matter follows:

Ayes: Alward, Caffrey, Crawford, Hindman, Jungman, Matteson, Mienk, Novak
Nays: None
Absent: None
Abstain: None

Resolution declared adopted this 4th day of November, 2002.

**RESOLUTION NUMBER 03-14
RESOLUTION FOR ADOPTING ACT 88**

BE IT RESOLVED, that the City Council of the City of Gladwin hereby elects to adopt the provisions of Act 88, Michigan Public Acts of 1961, as amended and become a reciprocal unit under the Reciprocal Retirement Act; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be filed within ten (10) days from the date of this election with:

Michigan Department of State	and	Municipal Employees Retirement
Office of the Great Seal		System of Michigan
7064 Crowser Boulevard		1134 Municipal Way
Lansing, MI 48918		Lansing, MI 48917

The foregoing resolution was offered by Council member Matteson, and supported by Council member Jungman and Roll Call vote on the matter follows:

Ayes: Alward, Caffrey, Crawford, Hindman, Jungman, Matteson, Mienk, Novak
Nays: None
Absent: None
Abstain: None

Resolution declared adopted this 4th day of November, 2002.

**RESOLUTION NUMBER 03-15
RESOLUTION FOR ADOPTING MUNICIPAL EMPLOYEES'
RETIREMENT SYSTEMS OF MICHIGAN
DEFINED BENEFIT PROGRAMS**

The City Council of the City of Gladwin, whose fiscal year is July 1 to June 30, desires to make available to its eligible employees benefits provided by the Municipal Employees' Retirement System of Michigan (MERS), as authorized by 1996 PA 220. Benefits available are those provided under the Plan Document of 1996.

IT IS RESOLVED that in accordance with Initial Actuarial Valuation yet to be prepared, by MERS actuary, MERS benefits stated in Section 1 below are to be provided to the following Employee division: **NEW General Administrative Employees**

1. Benefit program/formulae selected are: **B-3, V-10, F55/25, FAC-3.**
2. The required employee contribution is three (3%) percent.
3. Prior service credit with this municipality rendered previously by each covered employee in the division is subject to and shall be credited as provided under Section 2C(3) of the MERS Plan Document and MERS initial Actuarial Valuation and Supplemental Valuation Procedure (as approved by the Retirement Board on September 28, 1999), whose respective terms are incorporated by reference.
No prior service.
4. The effective date of this resolution for making deductions for the employee contributions specified above, and for the payment of necessary employer contributions to MERS, as required in the Plan Document, shall be the same date that MERS coverage begins, which is July 1, 2002.
5. For municipalities, Plan Section 41 requires adoption by affirmative vote of a majority of the governing body. A certified copy of this resolution will be forwarded to MERS.

The foregoing resolution was offered by Council member Matteson, and supported by Council member Jungman and Roll Call vote on the matter follows:

Ayes: Alward, Caffrey, Crawford, Hindman, Jungman, Matteson, Mienk, Novak
Nays: None
Absent: None
Abstain: None

Resolution declared adopted this 4th day of November, 2002.

Motion by Council Member Matteson, supported by Council Member Mienk to amend the City Administrator's Employment Agreement, Section 4. Benefits. All ayes. Motion carried.

**RESOLUTION NUMBER 03-16
401 MONEY PURCHASE PLAN**

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the establishment of a money purchase retirement plan benefits employees by providing funds for retirement and funds for their beneficiaries in the event of death; and

WHEREAS, the Employer desires that its money purchase retirement plan be administered by the ICMA Retirement Corporation and that the funds held under such plan be invested in the ICMA Retirement Trust, a trust established by public employers for the collective investment of funds held their retirement and deferred compensation plans:

NOW THEREFORE BE IT RESOLVED that the Employer hereby establishes or has established a money purchase retirement plan (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust, pursuant to the specific provisions of the Adoption Agreement (executed copy attached hereto).

The Plan shall be maintained for the exclusive benefit of eligible employees and their beneficiaries; and

BE IT FURTHER RESOLVED that the Employer hereby executes the Declaration of Trust of the ICMA Retirement Trust attached hereto, intending this execution to be operative with respect to any retirement or deferred compensation plan subsequently established by the Employer, if the assets of the plan are to be invested in the ICMA Retirement Trust.

BE IT FURTHER RESOLVED that the Employer hereby agrees to serve as trustee under the Plan and to invest funds held under the Plan in the ICMA Retirement Trust; and

BE IT FURTHER RESOLVED that the City Administrator shall be the coordinator for the Plan; shall receive reports, notices, etc., from the ICMA Retirement Corporation or the ICMA Retirement Trust; shall cast, on behalf of the Employer, any required votes under the ICMA Retirement Trust; may delegate any administrative duties relating to the Plan to appropriate departments; and is authorized to execute all necessary agreements with the ICMA Retirement Corporation incidental to the administration of the Plan.

The foregoing resolution was offered by Council member Matteson, and supported by Council member Jungman and Roll Call vote on the matter follows:

Ayes:	Alward, Caffrey, Crawford, Hindman, Jungman, Matteson, Mienk, Novak
Nays:	None
Absent:	None

Abstain: None

Resolution declared adopted this 4th day of November, 2002.

Council Member Hindman wishes to meet with the City Administrator to discuss the approaches to the new bridge.

Council Member Jungman stated that the sidewalks are being installed at Carquest. She would like an update as to why the sidewalks are not installed at Lee Otto yet.

**RESOLUTION NUMBER 03-17
RESOLUTION ACCEPTING A PART OF
SAINT ANDREWS DRIVE
INTO THE CITY OF GLADWIN STREET SYSTEM**

WHEREAS, the Gladwin County Road Commission at its regular meeting held October 23, 2002 has released jurisdiction of that portion of St. Andrews Drive described as follows:

The portion of St. Andrews Drive, as such appears in the Plat of Gladwin Heights Subdivision No. 1, as recorded in Liber 9 of Plats, at Page 4, Gladwin County records, as lies North of the extended North line of the South 58.00 feet of Lot 5 of said Gladwin Heights Subdivision No. 1.

provided the City accepts the same into its street system; and

WHEREAS, the City Council has deemed it in the best interest of the City of Gladwin in cooperation with the Gladwin County Road Commission to accept jurisdiction of part of St. Andrews Drive into the City street system for the purpose of promoting economic development.

NOW THEREFORE BE IT RESOLVED that the City of Gladwin hereby accepts jurisdiction over that portion of St. Andrews Drive as described above and further directs that said street be added to the certification of City street system for the purposes of Act 51, Michigan Public Acts of 1951 , as amended;

The foregoing resolution was offered by Council member Caffrey, and supported by Council member Hindman and Roll Call vote on the matter follows:

Ayes: Alward, Caffrey, Crawford, Hindman, Jungman, Matteson, Mienk, Novak
Nays: None
Absent: None
Abstain: None

Resolution declared adopted this 4th day of November, 2002.

New Business

**ORDINANCE NO. 268
AMENDMENT TO GLADWIN CITY
ZONING ORDINANCE**

THE CITY OF GLADWIN ORDAINS:

Section 1. PURPOSE

The purpose of this article is to amend the Zoning Ordinance (Ordinance No. 217) of the City of Gladwin.

Section 2. AMENDMENT

NOW THEREFORE, be it ordained the Gladwin City Zoning Ordinance (Ordinance No. 217) is amended as follows:

The Zoning Map shall be amended to reflect the following change:

Gladwin City, Section 31 19-1 W West ½ of Southeast ¼ of Southwest ¼ be contained within the Service Commercial (C-2) District

Section 3. SEVERABILITY

Any and all section, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

Section 4. REPEALER

All ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

Section 5. EFFECTIVE DATE

This ordinance shall take immediate force and effect.

Roll Call Vote:

Ayes: Alward, Caffrey, Crawford, Hindman, Jungman, Matteson, Mienk, Novak

Nays: None

Absent: None

Abstain: None

The foregoing ordinance was offered by Council Member Hindman, supported by Council Member Crawford.

This Ordinance adopted this 4th day of November, 2002.

ORDINANCE NO. 269

**AN ORDINANCE TO AMEND THE GLADWIN CITY
ZONING ORDINANCE (ORDINANCE NO. 217)**

THE CITY OF GLADWIN ORDAINS:

Section 1. **PURPOSE**

The purpose of this article is to amend the Zoning Ordinance (Ordinance 217) of the City of Gladwin.

Section 2. **AMENDMENT**

NOW THEREFORE, be it resolved the Gladwin Zoning Ordinance (Ordinance 217) of the City of Gladwin is amended as follows:

Section 801. **PRINCIPAL USES PERMITTED**

DELETE 10. Theaters, assembly hall, concert halls or similar places of assembly when conducted completely within enclosed buildings.

Section 801. **SPECIAL USES PERMITTED**

ADD 2. Theaters, assembly halls, concert halls, private clubs, fraternal organizations, lodge halls, churches or similar places of assembly when conducted completely within enclosed buildings.

Section 3. **SEVERABILITY**

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any Court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions or clauses not held void and/or invalid shall continue in force and effect.

Section 4. **REPEALER**

All ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

Section 5. **EFFECTIVE DATE**

This ordinance shall take immediate force and effect.

Roll Call Vote:

Ayes: Alward, Caffrey, Crawford, Hindman, Jungman, Matteson, Mienk, Novak
Nays: None
Absent: None
Abstain: None

The foregoing ordinance was offered by Council Member Matteson, supported by Council Member Caffrey

This ordinance adopted this 4th day of November, 2002

Motion by Council Member Jungman, supported by Council Member Alward to approve Purchase Order #18 to Eaglebrook, Inc. in the amount of \$3,200.50. All ayes. Motion carried.

Motion by Council Member Hindman, supported by Council Member Caffrey to approve Purchase Order #17 to Inland Services, Inc. in the amount of \$4,883.10. All ayes. Motion carried.

Comments

Mayor Winarski inquired as to the status of Judy Grant's water service to her residence.

Council Member Matteson wished to send his compliments to the DPW on the raising of the manhole on Bowery Street.

Council Member Novak inquired as to the status of the Charlotte Sutherland property at the park.

Motion by Council Member Jungman, supported by Council Member Caffrey to adjourn. All ayes. Motion carried.

Meeting ended at 9:20 p.m.

Thomas L. Winarski, Mayor

Shannon Greaves, City Clerk