

May 20, 2002
Gladwin City Council

The regular meeting of the Gladwin City Council was called to order by Mayor Winarski at 8:00 p.m.

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

Absent: Tom Hindman, Tom Mienk

Staff Present: Bob McConkie, Shannon Greaves, Doug Jacobson, Charlie Jones, Bernadette Weaver

Also Present: Nancy Bodnar, Anne Wolfe, Frank Grimes, Jim Largent, Deb Largent, Doug Scott, Amy Morris

The Pledge of Allegiance was led by Mayor Winarski followed by the invocation given by Council Member Jungman.

Motion by Council Member Crawford, supported by Council Member Caffrey to approve Warrant 02-31 in the amount of \$ 25,985.23. All ayes. Motion carried.

Motion by Council Member Matteson, supported by Council Member Crawford to adjourn the public hearing until June 3, 2002 at 8:00 p.m. for the purpose of serving proper notification. All ayes. Motion carried.

Hearing of Delegations

Doug Scott was present from Rowe Engineering to update the Council on the Industrial Park expansion project.

Motion by Council Member Jungman, supported by Council Member Novak to establish the agenda with the following additions: Old Business – (b) Bill Tuite – Columbus Street, (c) Industrial Park Update, (d) 02-35 – Sidewalk Resolution. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Crawford to approve the consent agenda which includes the following: Communications – (i) Varnum Riddering – FCC Preemption of Cable Modem Franchise Fees, (ii) MAGOC Alliance Letter, (iii) E-Mail from William Gould, (iv) Memo from MML for \$1 Billion Sewer Bond Proposal, (v) Letter to County Commissioners from Mayor Winarski Regarding the Municipal Development Area; Meetings – (i) Housing Commission 4/9/02, District Commissioners 4/23/02, Airport Board 5/2/02, Northern Tittabawassee River Task Force 5/7/02, Ordinance Committee 5/7/02, E911 Board 5/8/02, Community Arena 5/9/02, Safety Committee 5/14/02, Personnel Committee 5/16/02. All ayes. Motion carried.

Old Business

Motion by Council Member Matteson, supported by Council Member Crawford to approve the bid of \$12,900.00 due to the ten year warranty from Alward Electric to install air conditioning at the Gladwin Community Center. Ayes: Caffrey, Crawford, Jungman, Matteson, Novak – Abstain: Alward. Motion carried.

Motion by Council Member Matteson, supported by Council Member Crawford to table the Bill Tuite/Columbus Street proposal until the next meeting. All ayes. Motion carried.

Administrator McConkie stated that the City had received a notice in response to the application for extending the sewer into the Industrial Park.

RESOLUTION 02-35 **CITY OF GLADWIN RESOLUTION**

This Resolution of the City of Gladwin is offered by Council Member Matteson, seconded by Council Member Alward, for the purpose of providing for the construction of sidewalks and associated drainage improvements situated in the City of Gladwin, with the area specifically affected listed in Attachment A. This proceeding is pursuant to Chapter 12 of the City of Gladwin Charter, and Chapter 35 of the Gladwin City Code of Ordinances.

1. The City Council determines that the construction of the sidewalk system and associated drainage improvements within the affected area serves a beneficial purpose for the residents and owners of property in the area and that the welfare of the inhabitants is increased thereby.

2. The City Council has reviewed plans for the construction of the subject sidewalk system and associated drainage improvements, as provided by the Mayor and his designee, the City Administrator.

3. The City Council determines that the costs of maintenance and improvement shall be assessed against the lands which are adjacent to the proposed sidewalks and associated drainage improvements to be constructed within the proposed assessment district as set forth in Attachment A.

4. That the City Council has reviewed proposed costs of the project, being in the sum of \$128,589.95, and has reviewed proposed assessments as against the various properties which are proposed for inclusion in the assessment district, with a schedule of the proposed assessments as against various properties being set forth in Attachment B hereto. The cost of the project and the assessments required for payment are further to Section 35.12 of the City Code.

5. That the proportion of the costs of the improvements which shall be paid by the City at large for the benefit of the City at large is as follows: -0% or \$-0-.

6. That the proposed assessments may be paid by affected property owners in full, or may be paid, at the owner=s option, in 10 annual equal payments, which payments shall include interest at the rate of five (5%) percent; any owner may pay the remaining principal balance of the assessment at any time, subject to the provisions of Section 35.09 to 35.11 of the City Code.

7. That the proposed assessment roll shall be filed with the City Clerk for public examination along with the report of the Mayor and Administrator, and the City Council shall meet on May 20, 2002 at 8:00 p.m. and shall be adjourned until June 3, 2002 at 8:00 p.m. or as soon thereafter as the agenda permits to provide notice to all property owners to act as a Board of Review to review the roll and to hear any complaints.

8. The City Clerk shall publish a notice of the review meeting in the Gladwin County Record at least once before the meeting, at least ten (10) days prior to the meeting, and shall mail by first class mail a notice thereof to each property owner affected, together with a copy of this Resolution and the proposed costs and assessments.

Roll Call Vote:

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

Adopted on May 20, 2002 by the City Council.

RESOLUTION 02-33
MILLAGE RATES

The following resolution was offered by Council Member Matteson and supported by Council Member Crawford.

WHEREAS, the City of Gladwin Board of Review has completed its review and correction of the Assessment Roll for 2002 and

WHEREAS, said Assessment Roll shows the taxable value of all real and personal property in the City of Gladwin subject to general Ad Valorem taxation to be as follows:

AD VALOREM TAX ROLL - REAL PROPERTY	\$ 43,277,619
AD VALOREM TAX ROLL - PERSONAL PROPERTY	7,901,458
TOTAL ASSESSMENT ROLLS	51,179,077

WHEREAS, the City Council has adopted a budget for the 2002-2003 fiscal year which will require the maximum allowable millage levy to adequately fund the operations of the City of Gladwin, and

WHEREAS, pursuant to Act 42, P.A. 1995, the City Council discussed millage rates at the April 15, 2002 public hearing to review the proposed 2002-2003 city budget and

WHEREAS, the City Council, after applying all millage reduction rollbacks has complete authority to establish that 14.8414 mills be levied in 2002 for operating purposes, and

WHEREAS, the City Budget for the year 2002-2003 heretofore adopted by this Council shows that the amount of money needed from taxes to meet the City's requirements to be 14.8414 mills on each dollar of Taxable Value of the Real and Personal Property in the City.

NOW, THEREFORE BE IT RESOLVED, by the authority granted by City Charter, Chapter 10, Section 10.1, the millage rate for 2002 is hereby set at 14.8414 mills to be levied against each dollar of Taxable Value of Real and Personal Property in the city of Gladwin for general operating purposes.

BE IT FURTHER RESOLVED, pursuant to the authority of Gladwin City Charter, Chapter 10, Section 10.9, the City Clerk is hereby directed to Certify to the Assessor the total amount \$ 759,569.15 to be raised by taxes.

FURTHER, when extensions have been made by the Assessor, that the City Assessor, pursuant to City Charter, Chapter 10, Section 10.11, shall execute the necessary Warrant directing the City Treasurer to collect the tax set forth in said warrant, and that same be delivered to the Treasurer for collection, that said taxes, when collected be credited to:

2002-2003 GENERAL OPERATIONS = \$ 759,569

FURTHER, it is hereby certified pursuant to Act 35, Michigan Public Acts of 1979, as amended, that the requested millage had been reduced, if necessary, in compliance with Section 31, Article 9 of the State Constitution.

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

RESOLUTION DECLARED ADOPTED this 20th day of May, 2002.

Motion by Council Member Crawford, supported by Council Member Caffrey to allow Glad Tidings Baptist Church the use of the amphitheatre on August 8, 2002 at 7:00p.m. for a gospel concert. All ayes. Motion carried.

ORDINANCE NO. 263

AN ORDINANCE TO AMEND THE GLADWIN CITY CODE OF ORDINANCES TITLE V, CHAPTER 51: SEWERS

THE CITY OF GLADWIN ORDAINS:

Section 1. Purpose

The purpose of this article is to amend the Code of Ordinances, Title V, and Chapter 51: Sewers of the City of Gladwin.

Section 2. Amendment

NOW THEREFORE, be it resolved the Code of Ordinances, Title V, and Chapter 51: Sewers of the City of Gladwin is amended as follows:

Sections 51.126, 51.127, 51.128 and 51.129 shall be added to read:

§ 51.126 ESTABLISHMENT OF RATES AND CHARGES.

All rates and charges for sewer service or related thereto, including, but not limited to, charges associated with the use of the sanitary sewer system, tap fees, connection charges, repair charges, penalties, late fees, and interest on unpaid balances shall be established from time to time by resolution of the City Council.

§ 51.127 UNPAID CHARGES AS LIEN.

All unpaid charges, including penalties and interest, shall constitute a lien upon the premises to which sewer services were provided and shall become effective immediately upon the providing of sewer service to the premises.

§ 51.128 COLLECTION OF DELINQUENT ACCOUNTS.

Whenever any charge, including penalties and interest, remains unpaid for a period of three months or more, such charge may be entered upon the next tax roll as a charge against the premises and shall be collected and the lien enforced in the same manner as general city taxes against such premises are collected. Nothing in this section, however, shall be deemed to prevent the city from suing in a court of law to collect the amount due. In addition to those other remedies referred to herein, the city shall have the right, at its sole discretion, to turn off and discontinue supplying water to any premises where charges remain unpaid.

§ 51.129 UTILITY BILLING; DUTY OF PROPERTY OWNER AND TENANT

(A) It shall be the duty of any property owner who allows a tenant to occupy any premises served by the sewer utility, before the tenant shall occupy the premises, to notify, in writing, the utility billing department of the tenant's full name, the address to which the bill should be sent, the tenant's date of birth, and the date the tenant shall become responsible to pay the utility billing, should the tenant agree, in writing, to pay for service on behalf of the property owner.

(B) It shall be the duty of any property owner where such agreement has been entered into as described in division (A) of this section, to notify the utility billing department, in writing, before the date in which any such arrangement is to terminate and/or there becomes necessary a change in any billing information.

(C) It shall be the duty of any tenant to pay in a timely manner any charges while any agreement as described by division (A) of this section is in force and effect and to notify the utility billing department of any changes of address or any other information necessary for proper billing. In no case shall any tenant leave any unpaid balance on an account final billing, whether intentional or unintentional. Failure of any tenant to comply with this section shall, in addition to penalties and account collection procedures prescribed in this chapter, be responsible for and subject to any unpaid charges owing the utility including any penalties and interest thereon, and any costs associated with collection of the delinquent amounts owing.

(D) This section shall not be construed to relieve any owner of the responsibility for payment of services provided any premises, nor shall this section be construed to be contrary to §§ 51.127 and 51.128. This section prescribes terms and conditions upon which the sewer utility will accept payment from any person other than an owner of the premises being served.

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/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.

The foregoing ordinance was offered by Council Member Crawford and supported by Council Member Novak.

Roll Call Vote:

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

This ordinance adopted this 20th day of May, 2002.

RESOLUTION 02-34
Sellers/Wilcox Lot Split

WHEREAS, the City of Gladwin has received a request from Samuel & Thomas Sellers and Loren & Toni Wilcox to split lots; and

WHEREAS, the Planning Commission reviewed the request at their April 22, 2002 meeting and recommends approval of the request;

NOW, THEREFORE BE IT RESOLVED that the split of Lot 3, Block 74, Grout, Foutch and Johnson's Addition to the City of Gladwin be approved.

The foregoing resolution was offered by Council Member Caffrey and supported by Council Member Jungman.

Roll Call Vote:

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

Nays:

Absent: Hindman, Mienk

Resolution declared adopted this 20th day of May, 2002.

Comments

Motion by Council Member Matteson, supported by Council Member Caffrey to send \$300 to Varnum Riddering to contribute to filings made with the FCC. All ayes. Motion carried.

Council Member Crawford stated that the Finance Committee would be meeting on Thursday, May 23, 2002 at 4:00 p.m.

Council Member Jungman stated that she would like to see more junk/blight/car letters sent out.

Motion by Council Member Jungman to adjourn the meeting, supported by Council Member Matteson. All ayes. Motion carried.

Meeting ended at 8:52 p.m.

Thomas L. Winarski, Mayor

Shannon Greaves, City Clerk