

November 1, 2004
Gladwin, Michigan

The Regular Meeting of the Gladwin City Council was called to order by Mayor Winarski at 7:00 p.m.

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

Absent: None

Staff Present: Jack Abernathy, Shannon Greaves, Bernadette Weaver

Also Present: Mayor Winarski, Doug Scott, Glennis McElyea, Robert McElyea, Janie Hoerauf, Nancy Bodnar, Sherry Augustine, Chris Quider, Robin Quider, Ron Maxson, Cathy Maxson, Gary DeShano, John Clayton, Alan Hover

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

Minutes from the October 18, 2004 meeting were approved as presented.

Motion by Council Member Alward, supported by Council Member Novak to approve Warrant #05-11 in the amount of \$28,730.24 and Warrant #05-12 in the amount of \$25,291.14. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Crawford to recess the regular council meeting and enter into the scheduled public hearing regarding Ann and Timothy Streets. All ayes. Motion carried.

Mayor Winarski opened the public hearing by describing the subdivision development process and that there are several different solutions to try to accomplish a remedy to this situation. (Should the residents pay the costs? Should the City bear the costs? How much of a reoccurring problem is this? Will we ever have this much rain again? There are no as built drawing for the subdivision.)

Council Member Smith stated that he contacted Bob McConkie and he said that v-ditches were to be constructed. V-ditches and culverts were not installed. Council Member Smith stated that residents have already been hit with the sidewalk and sanitary sewer assessment and he did not think that they should bear this cost. Council Member Smith also stated that the drainage plan was not followed by the developer.

John Clayton asked the City Council what the City Ordinance was for drainage and what did the site plan say regarding drainage.

Mayor Winarski stated that this was only the second subdivision that was built within the city and that we have learned new details regarding subdivision development since then.

Mayor Winarski stated that the site plan for the subdivision was reviewed by the County Drain Commissioner and by the City's engineering firm Bartow & King.

Doug Scott from Rowe, Incorporated, the City's current engineering firm stated that they could construct a topographical map with details of what is in the subdivision today.

Mayor Winarski stated that v-ditches were the original solution to the drainage problems.

Ron Maxson asked why the v-ditches weren't constructed.

Mayor Winarski stated that the v-ditches not being constructed were the failings of the subdivision not being built according to the approved plans.

Jack Abernathy, City Administrator, stated that the agreement with the developer states that there would be no storm sewers.

Sherry Augustine, County Drain Commissioner stated that v-ditches were only supposed to be between certain lots, not constructed out to Clendening Road. Sherry also stated that the main v-ditch was supposed to go out to the wetland that was constructed.

Alan Hover asked if they could create a bigger wet land area behind his house.

Mayor Winarski stated that the developer needed to look at constructing other detention ponds.

Council Member Smith stated that the DEQ has required expansion of the wetland area.

Gary DeShano, Developer of Pine Ridge Estates explained why more wetlands were needed and explained why things were done the way that they were.

Doug Scott stated that the plans show a 9" to 2' depth for ditches.

Mayor Winarski stated that questions need to be asked of Bartow & King.

Janie Hoerauf from Hughes and Hoerauf stated that there were no as builts drawn and that the City's engineers weren't enforcing the sewer plans.

Sherry Augustine stated that Bartow & King did have the plans for the development. She also stated that her department does not do final inspections on developments. They only give the initial approval for the plans.

Mayor Winarski stated that as long as the development was built to adequacy that everything should work right.

Council Member Jungman asked why DeShano's engineers did not do inspections.

Gary DeShano stated that Bartow & King did the inspections and the drawings were made by Lapham & Associates.

Administrator Abernathy stated that as built drawings are not the same as preliminary plans.

John Clayton asked who was going to pay for the remedy to this situation.

Mayor Winarski stated that DeShano's, the City of Gladwin or the homeowners or a combination of the three will have to fund the remedy to this situation.

Janie Hoerauf stated that the engineering firm of Bartow & King may assist in remedying this situation. The City needs to determine were the failing lies. The City could also file a malpractice suit.

Motion by Council Member Crawford, supported by Council Member Caffrey to close the public hearing and enter into regular session. All ayes. Motion carried.

Mayor Winarski stated that when a determination on Ann and Timothy Street is obtained that all the residents will be notified.

Mayor Winarski stated that vibrations continue to occur at the Weaver House on Weber Road. The Weaver's have sent the City the exact times and dates of the vibrations and this information is then sent to Dura. Administrator Abernathy has made contact with MEDC for grant money and has spoken to a vibration company.

Motion by Council Member Jungman, supported by Council Member Alward to establish the agenda as presented. All ayes. Motion carried.

Motion by Council Member Mienk, supported by Council Member Novak to approve the consent agenda as follows: Meetings – Commissioner's Minutes 9/28/04, Housing Commission 10/12/04, Arena Board 10/13/04, Safety Committee 10/19/04, Finance Committee 10/21/04, Zoning Board of Appeals 10/21/04, Parks Commission 10/25/04, Planning Commission 10/25/04, Commissioner's Minutes 10/26/04. All ayes. Motion carried.

Old Business

Motion by Council Member Hindman, supported by Council Member Caffrey to approve the Use Agreement for the Friends of the Theatre. All ayes. Motion carried.

Zoning Administrator Weaver stated that the schools have now changed the configuration of the bus parking and that the school need to provide us with the changed plans.

Council Member Caffrey stated that the tree removal at the airport in on hold awaiting another bid.

Mayor Winarski stated that he would be staying with the existing number of people on the DDA and would not be appointing any others.

New Business

Motion by Council Member Mienk, supported by Council Member Novak to accept the resignation of Thom Mertz from the Zoning Board of Appeals with regrets. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Alward to approve the purchase order for SLC Meter Service, Inc. in the amount of \$2,070.00. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Hindman to approve Payment No. 1 to DRT Biosolids, Inc. in the amount of \$116,100.00 for removal and disposal of sludge from the wastewater lagoon. All ayes. Motion carried.

Motion by Council Member Alward, supported by Council Member Jungman to approve Payment No. 1 to Huckins Contracting, Inc. in the amount of \$196,058.63 for sanitary sewer improvements. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Alward to approve Change Order No. 1 from Huckins Contracting, Inc. in the amount of -\$610.00. All ayes. Motion carried.

Motion by Council Member Crawford, supported by Council Member Novak to cast a unanimous ballot for the MML Liability and Property Pool directors for 2004. All ayes. Motion carried.

Motion by Council Member Alward, supported by Council Member Smith to approve payment to Central Michigan Contracting, Inc. in the amount of \$11,816.33. All ayes. Motion carried.

Motion by Council Member Alward, supported by Council Member Smith to authorize Pete's Contracting, Inc. to proceed with the Beech Street project in the amount of \$533,182.00. All ayes. Motion carried.

Comments

Mayor Winarski stated that the City's recognition dinner would be on Wednesday, December 22, 2004 at 6:30 p.m.

Council Member Caffrey stated questions regarding taping meetings, the City's audit and the 5th Street infestation.

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

Meeting ended at 9:08 p.m.

Thomas L. Winarski, Mayor

Shannon Greaves, City Clerk