

April 19, 2004
Gladwin, Michigan

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

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

Absent: None

Staff Present: Bob McConkie, Shannon Greaves, Dennis Vannest, Bernadette Weaver, Doug Jacobson

Also Present: Mayor Winarski, Tammy Mester, Linda Winarski, Bob Weaver, Tom Traciak

Minutes from the Regular Meeting of April 5, 2004 were approved as presented.

Motion by Council Member Crawford, supported by Council Member Novak to approve Warrant 04-29 in the amount of \$41,562.41. All ayes. Motion carried.

Dennis Vannest gave an update on Gladwin City/County Transit operations.

Tom Traciak from ACI Finance presented the water and sewer rate study.

Council Member Mienk was seated at 7:40 p.m.

Motion by Council Member Mienk, supported by Council Member Caffrey to open the 2004/2005 budget public hearing. All ayes. Motion carried.

Administrator McConkie presented the 2004-2005 Budget.

Motion by Council Member Jungman, supported by Council Member Alward to close the 2004/2005 budget public hearing. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Alward to establish the agenda with the following additions: New Business – (l) Salt Proposal, (m) Public Notice for Greenbriar, (n) Rowe Proposal – COOL Cities, (o) Resolution – 2004/2005 Budget, (p) Resolution – H.A.V.A., (q) Parks Commission Appointment – Kelly Gower. All ayes. Motion carried.

Motion by Council Member Novak, supported by Council Member Alward to establish the consent agenda as follows: Communications – (i) Letter from Marion Ross, (ii) Investment Report, (iii) Opening Day Ceremonies, (iv) Sports Complex, (v) Monthly Rowe Progress Report; Meetings – Fire Board 3/3/04, Business and Professional Association 3/3/04, Commissioner's Meeting 3/9/04, Housing Commission 3/9/04,

Airport Board 3/11/04, Northern Tittabawassee River Task Force 4/6/04, Arena Board 4/7/04, Airport Board 4/9/04, Arena Board 4/14/04, Arena Board 4/15/04, Central Dispatch Authority 4/14/04; Miscellaneous – (i) Police Activity Report. All ayes. Motion carried.

Old Business

Motion by Council Member Crawford, supported by Council Member Hindman to approve the Attorney Services Agreement with Douglas Jacoboson for 2004/2005 with payment to be \$1,300.00 per month. All ayes. Motion carried.

**RESOLUTION
SPECIAL ASSESSMENT FOR
REMOVAL OF WEEDS**

WHEREAS, the City of Gladwin has attempted without success to collect a certain delinquent account receivable for removal of weeds during the summer of 2003, and

WHEREAS, section 94.39 of the Code of Ordinances of the City of Gladwin provides that such delinquent account shall be returned by the city to the Assessor of the City to place this delinquent accounts on the tax roll as a charge against the property upon which such order was carried out, and

WHEREAS, a Special Assessment to the tax roll is necessary to place this delinquent account receivable on the City tax roll;

NOW, THEREFORE, BE IT RESOLVED, that the City Assessor is hereby authorized and instructed to spread upon the July 2004 tax roll, a Special Assessment in the amount as indicated herein, plus interest at 6% per annum calculated to June 1, 2004:

816 Weber Road	170-506-200-004-00	\$110.51
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The foregoing resolution was offered by Council Member Crawford and supported by Council Member Alward. All ayes. Motion carried.

Roll Call Vote:

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

Resolution declared adopted this 19th day of April, 2004.

Discussed letter received from the Gladwin Community Schools Recreation Department. Consensus was to approve budgeting the payment of \$3,000.00 to Gladwin Community Schools for the Recreation in the Park Program on July 1, 2004.

Motion by Council Member Alward, supported by Council Member Novak to approve the Springbrook proposal for Annual Maintenance in the amount of \$10,947.60. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Smith to approve the Eaglebrook, Inc. proposal in the amount of \$3,293.00. All ayes. Motion carried.

**RESOLUTION
NOTICE OF INTENT
(Sewer Improvements Project)**

Minutes of a regular meeting of the City Council of the City of Gladwin, County of Gladwin, Michigan (the "City") held on Monday, the 19th day of April, 2004, at 7:00 o'clock p.m., Eastern Daylight Time.

PRESENT: Members Alward, Caffrey, Crawford, Hindman, Jungman, Mienk, Novak, Smith

ABSENT: None

The following preamble and resolution were offered by Member Crawford and supported by Member Mienk:

WHEREAS, the Michigan Department of Environmental Quality has issued Director's Order ACO-SW02-026 dated August 6, 2002 (the "Order"), to the City mandating that the City complete (a) construction of necessary sewer system improvements to eliminate combined sewer overflows by April 30, 2004, and (b) removal of solids from the lagoon by December 31, 2005 (all such improvements and such removal being, collectively, the "Project"); and

WHEREAS, the City Council, pursuant to Part 43 of Act No. 451, Public Acts of Michigan, 1994 ("Act 451"), has published a notice of intent to issue not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000) of general obligation limited tax bonds for the Project on May 7, 2003 (the "Prior Notice of Intent") and no petition on the question of the issuance and sale of not to exceed \$750,000 of such bonds for the Project was filed within forty-five (45) days of the publication of the Prior Notice of Intent; and

WHEREAS, the City Council, pursuant to Act 451, intends to authorize the issuance of one or more series of additional general obligation limited tax bonds in the aggregate principal amount of not to exceed Six Hundred Fifty Thousand Dollars (\$650,000) for the Project, to comply with the Order; and

WHEREAS, the City Council desires to take certain other preliminary actions so as to facilitate the issuance and sale of said additional bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City has been previously authorized to issue and sell not to exceed \$750,000 of bonds for the Project pursuant to the Prior Notice of Intent. The City desires to issue and sell additional bonds in an amount not to exceed \$650,000 for the Project.

2. The City Clerk is hereby authorized and directed to publish a notice of intent to issue additional bonds for the Project in the *Gladwin County Record*, a newspaper of general circulation in the City, as a display advertisement at least one-quarter (1/4) page in size.

3. The notice of intent so published shall be in substantially the following form:

**NOTICE TO ELECTORS AND TAXPAYERS
OF THE CITY OF GLADWIN
OF INTENT TO ISSUE
SEWER IMPROVEMENT BONDS
SECURED BY THE TAXING POWER OF THE CITY
AND RIGHT OF REFERENDUM THEREON**

PLEASE TAKE NOTICE that the City Council of the City of Gladwin, County of Gladwin, Michigan, intends to authorize the issuance and sale of its general obligation limited tax bonds pursuant to Act 451, Public Acts of Michigan, 1994, as amended (“Act 451”), in the aggregate principal amount of not to exceed Six Hundred Fifty Thousand Dollars (\$650,000) for the purpose of defraying the costs of the construction of necessary sewer system improvements to eliminate combined sewer overflows and the removal of solids from the lagoon so as to comply with Michigan Department of Environmental Quality Director’s Order ACO-SW02-026, dated August 6, 2002 (the “Bonds”). The improvements to the City’s sewer system described herein are more fully described in the City’s final plans and specifications which are on file with the City. The City Council has been previously authorized to issue and sell the City’s general obligation limited tax bonds for the sewer system improvements described herein in the aggregate principal amount of not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000) (the “Prior Bonds”), pursuant to Act 451 and a duly published notice of intent to issue and sell the Prior Bonds on May 7, 2003.

The Bonds shall mature serially in not to exceed thirty-five (35) annual installments, with interest payable on the unpaid balance at rates to be determined at public or negotiated sale but in no event to exceed such rates as may be permitted by law on the unpaid balance from time to time remaining outstanding on the Bonds. The Bonds may be issued in one or more series as shall be determined by the City Council.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON THE BONDS shall be payable from the general funds of the City lawfully available for such purposes including ad valorem taxes levied upon all taxable property in the City within applicable charter, statutory and constitutional tax rate limitations. The authorization to issue and sell the Bonds shall be in addition to the City’s existing authorization to issue and sell the Prior Bonds.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING AN ELECTION ON THE QUESTION OF ISSUING THE BONDS, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF THE CITY, IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. If such a petition is filed, the Bonds cannot be issued unless approved by a majority vote of the electors of the City voting on the question of their issuance. No such petition will affect the existing authorization of the City to issue and sell the Prior Bonds.

THIS NOTICE is given pursuant to the requirements of Section 4307(2) of Act 451, Public Acts of Michigan, 1994.

ADDITIONAL INFORMATION may be obtained from the office of the City Administrator upon request.

SHANNON GREAVES

City Clerk

City of Gladwin

4. The City Council does hereby determine that the foregoing form of notice of intent to issue bonds and the manner of publication directed is adequate notice to the electors and taxpayers of the City and is well calculated to inform them of the intention of the City to issue the general obligation bonds, the purpose of the bond issue, the security for the bonds and the right of referendum of the electors with respect thereto, and that the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

5. Each of the officers of the City is hereby authorized and directed to execute and deliver such applications, documents, instruments and certificates with the Michigan Department of Treasury in support of an application of the City for “qualified status” or, in the alternative, for prior approval to issue the bonds, and to file for such waivers as may be necessary or advisable with respect to the bonds. The City Administrator is designated as the “chief administrative officer” of the City for purposes of executing and filing such applications pursuant to the requirements of Act 34, Public Acts of Michigan, 2001, as amended.

6. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

- (a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of debt to be incurred by the City.

- (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were or will be paid subsequent to sixty (60) days prior to the date hereof.

- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is an amount not to exceed \$1,400,000.
- (d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Project to reimburse the City for a capital expenditure made pursuant to this Resolution.
- (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).
- (f) No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (d) above.
- (g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this Resolution do not include costs for the issuance of the debt or an amount not in excess of the lesser of \$100,000 or 5 percent of the proceeds of the borrowing, or preliminary expenditure not exceeding twenty (20) percent of the issue price of the borrowing, within the meaning of Treas. Reg. § 1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

7. The City Administrator is designated as the officer of the City authorized to make any further declarations of intent to reimburse expenditures made from funds of the City or its subordinate entities from the proceeds of the bonds described in the preamble to this resolution.

8. The preceding official intent declaration shall be filed by the City Clerk in the City Clerk's office and shall be reasonably available for inspection by the public within thirty (30) days of the date hereof at the offices of the City and will remain available for public inspection on a reasonable basis until the date or dates of issuance of the obligations described in the declaration.

9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

AYES: Members Alward, Caffrey, Crawford, Hindman, Jungman, Mienk,
Novak, Smith

NAYS: None

RESOLUTION DECLARED ADOPTED.

**RESOLUTION
CHANGE IN STANDARD STREETLIGHTING CONTRACT
SEE ATTACHED**

Motion by Council Member Hindman, supported by Council Member Crawford to approve the Shull Transport proposal for airport clean-up in the amount of \$12,500.00. All ayes. Motion carried.

**RESOLUTION
CHANGE IN MASTER PLAN**

WHEREAS, the City of Gladwin adopted the Master Plan on July 17, 1996; and

WHEREAS, on January 5, 2004, the Gladwin City Council received recommendation from the Planning Commission to update the Master Plan and subsequently approved sending notice to the Planning Commission, adjoining townships, County Planning Commission and the Regional Planning Commission of their intent to amend the Master Plan; and

WHEREAS, on April 6, 2004, the Gladwin City Planning Commission held a public hearing and received public comment on the proposed change to the Master Plan; and

WHEREAS, the Gladwin City Planning Commission at their April 6, 2004 meeting made a favorable recommendation to the City Council that the master plan be changed to reflect as follows:

a transitional land use of Residential Office from Single Family in the area described as Hanna's Addition, Blocks 3-6-11 and Block 14 West of the Cedar River

NOW, THEREFORE BE IT RESOLVED, that at the April 19, 2004 meeting of the Gladwin City Council, the aforementioned change was adopted to the City of Gladwin Master Plan.

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

Roll Call Vote:

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

Resolution declared adopted this 19th day of April, 2004.

ORDINANCE NO. 274

**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:

**ZONING MAP OF THE CITY BE AMENDED TO REFLECT CHANGE
FROM SINGLE FAMILY (R1-B) TO RESIDENTIAL OFFICE (RO) IN THE
AREA DESCRIBED AS:**

Hanna's Addition, Blocks 3-6-11 and Block 14 West of the Cedar River

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.

Roll Call Vote:

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

Abstain: None

This ordinance adopted this 19th day of June, 2004.

Motion by Council Member Jungman, supported by Alward to deny the proposed zoning change request and corresponding change to the master plan from R-1A to RM due to water pressure, drainage concerns and presence concerns. All ayes. Motion carried.

City Council recommended to table requests that the currently zoned R-1A parcel be changed to C-2 (west of Lee Otto's) and the proposed revision to Golfview Condominium Planned Unit Development.

**RESOLUTION
SPECIAL ASSESSMENT FOR
DELINQUENT UTILITY ACCOUNTS**

WHEREAS, the City of Gladwin has attempted without success to collect certain delinquent utility accounts receivable, and

WHEREAS, a Special Assessment to the tax roll is necessary to place these delinquent utility accounts on the City tax roll;

NOW, THEREFORE, BE IT RESOLVED, that the City Assessor is hereby authorized and instructed to spread upon the July 2004 tax roll, Special Assessments in the amounts as indicated herein:

170-040-017-001-00	700 S Antler	\$ 214.66
170-155-000-016-00	1118 E Cedar	\$ 155.44
170-506-300-003-11	212 Buckeye	\$ 105.04
170-506-200-004-00	816 E First & 890 Industrial Dr	\$1,116.96
170-170-012-005-00	210 E Maple	\$ 300.08
170-040-009-006-00	511 S Silverleaf	\$ 249.33
170-070-016-006-00	106 Third	\$ 275.98

The foregoing resolution was offered by Council Member Crawford, supported by Council Member Jungman.

Roll Call Vote:

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

Nays: None

Absent: None

Abstain: None

Resolution declared adopted this 19th day of April, 2004.

Motion by Council Member Smith, supported by Council Member Alward to approve the Liquid Engineering Proposal in the amount of \$2,350.00. All ayes. Motion carried.

Motion by Council Member Crawford, supported by Council Member Mienk to appoint Kelly Gower to the Parks Commission, appointment to expire on 12/5/09. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Smith

Motion by Council Member Jungman, supported by Council Member Smith to approve the 2004/2005 State of Michigan Road Sale Requisition for 100 ton. All ayes. Motion carried.

Discussion about the notice being sent to Greenbriar Trailer Park. Consensus was to send the notice, but before shut off happens, the issue needs to be brought back to the City Council.

Motion by Council Member Jungman, supported by Council Member Alward to approve the Rowe Incorporated proposal for the COOL City program not to exceed \$2,650. All ayes. Motion carried.

**RESOLUTION
CITY OF GLADWIN
2004-2005 Budget
ADOPTING RESOLUTION**

WHEREAS, the City Administrator has submitted and filed with the City Council a proposed budget estimating revenues and expenditures for 2004-2005 fiscal year as required by Chapter IX, Section 9.2 of the City Charter and Act 2, Michigan Public Acts of 1968, as amended, and

WHEREAS, the City Council in accordance with Act 2 Michigan Public Acts of 1968, as amended, has set the date April 19, 2004 for a public hearing at 7:00 o'clock PM, or as soon thereafter as the agenda permits, to receive citizen comment on the proposed budget as presented herein. A copy of the affidavit of publication of said public hearing is on file with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, the City Council, after such hearing thereon and consideration thereof, does hereby adopt said budget as represented herein and fixes the tax of 15 mills for general operating purposes, and 3 mills for Sewer Debt, to be raised by a general ad valorem tax upon owners of Real and Personal Property in the City, by the authority granted, and in accordance with the Michigan Constitution, the General Property Tax Act 206, Michigan Public Acts of 1893, as amended, and City Charter, Chapter IX.

BE IT FURTHER RESOLVED, that the City Treasurer be authorized and directed to make such transfers between the various funds in accordance with the adoption of the budget as follows, and

BE IT FURTHER RESOLVED, that the City Administrator be authorized to transfer up to \$5,000.00 from any function of this budget to any other function of the budget within the same fund without further approval.

Primary Government

GENERAL FUND

REVENUES

Taxes	\$ 754,200
License & Permits	25,250
Federal Grants	0
State Grants	346,410
Local Unit Contributions	25,000
Charge For Services	5,500
Interest & Rents	7,500
Other Revenue	27,000
Departmental Revenue	315,800
Other Financing Sources	40,000
From Fund Balance	<u>162,850</u>
Total Revenues	\$1,709,510

EXPENDITURES

General Government	537,616
Public Safety	631,925
Public Works	354,663
Health & Welfare	800
Recreation & Culture	131,506
Debt Service	0
Other Financing Uses	<u>53,000</u>
Total Expenditures	\$1,709,510

MAJOR STREET FUND

REVENUES

State Grants	\$ 157,000
Interest	1,300
Other Revenues	6,000
Other Financing Sources	<u>0</u>
Total Revenues	\$ 164,300

EXPENDITURES

Highways Streets & Bridges	\$ 76,250
Other Financing Uses	65,014
To Fund Balance	<u>23,036</u>
Total Expenditures	\$ 164,300

LOCAL STREET FUND

REVENUES

State Grants	\$ 70,000
Interest	750
Other Financing Sources	25,000
From Fund Balance	<u>32,150</u>
Total Revenues	\$ 127,900

EXPENDITURES

Highways, Streets & Bridges	\$ 57,900
Other Financing Uses	<u>70,000</u>
Total Expenditures	\$ 127,900

MUNICIPAL STREET FUND

REVENUES

Taxes	\$ 95,100
Interest	<u>1,000</u>
Total Revenue	\$ 96,100

EXPENDITURES

Highways, Streets & Bridges	\$ 0
To Fund Balance	<u>96,100</u>
Total Expenditures	\$ 96,100

Component Unit

DOWNTOWN DEVELOPMENT AUTHORITY

REVENUES

Taxes	\$ 300,000
Grants In Aid	0
Interest and Rents	750
	<u> </u>
Total Revenues	\$ 300,750

EXPENDITURES

Administration	\$
Debt Service	18,386
Other Financing Uses	155,000
To Fund Balance	<u>127,364</u>
Total Expenditures	\$ 300,750

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

Roll Call Vote:

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

Resolution declared adopted this 19th day of April, 2004

**RESOLUTION
HELP AMERICA VOTE ACT (HAVA)**

WHEREAS, the Federal Government has allocated funds for new optical scan voting systems in 2004; and

WHEREAS, the Cities and Townships in the County of Gladwin have elected to acquire optical scan voting equipment under the Grant Agreement with the State of Michigan.

THEREFORE, be it resolved that the City Clerk be authorized to execute the Help America Vote Grant Application for the purpose of acquiring said equipment.

The foregoing resolution was offered by Council Member Caffrey, supported by Council Member Alward.

Roll Call Vote:

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

Resolution declared adopted this 19th day of April, 2004.

Comments

Smith had questions regarding Attorney Jacobson's letter regarding paving the parking lot at the sports complex. He stated that the Planning Commission wanted a reminder sent.

Finance Committee Meeting – Thursday, April 29th at 5:00 p.m.

Safety Committee meeting tomorrow morning at 9:00 a.m.

Council Member Caffrey asked for updates on the 5th Street house.

Council Member Caffrey asked if the burn pit ordinance changes had been made.

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

Meeting ended at 9:03 p.m.

Thomas L. Winarski, Mayor

Shannon Greaves, City Clerk