

May 17, 2004
Gladwin, Michigan

The Regular Meeting of the Gladwin City Council was called to order at 8:08 p.m. by Mayor Pro Tem Mienk.

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

Absent: None

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

Others Present: Mayor Winarski, Pastor Phil Hortop, Fran Seebeck, Linda Winarski, Bob Weaver, Debbie Perkins, Ron Maxson, Cathy Maxson, Clare Breault, Dennis Alward, Mark Greer, Kyle Kigar, Bill Rhode, Marilu Reed, Ann Walton, Dick Seebeck, Darin Cook, Judy Durbin, Mike Mack

Minutes from the May 3, 2004 meeting approved as presented.

Motion by Council Member Novak, supported by Council Member Alward to approve Warrant 04-32 in the amount of \$50,307.27. All ayes. Motion carried.

Judy Durbin from 230 South Antler Street was present to state that she would like to see some improvements done to the alley adjacent to her house. She stated that there is dust coming from the alley and water pooling in the alley. This matter was referred to the Finance Committee.

Mayor Winarski was seated at 8:20 p.m.

RESOLUTION
LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING
LICENSE – HEART OF MICHIGAN ANIMAL RESCUE
(SEE ATTACHED)

Mark Greer asked about the cadmium in the treatment ponds. He also asked about the possibility of burning the sludge to reduce waste.

Motion by Council Member Jungman, supported by Council Member Alward to establish the agenda with the following addition: Old Business – Fencing Water System Facilities. All ayes. Motion carried.

Motion by Council Member Alward, supported by Council Member Crawford to approve the consent agenda as follows: Communications – (i) Memo to Staff – Curb Non-

Essential Spending, (ii) NPDES Permit, (iii) Riverwalk – Liquor Control Commission, (iv) Revenue Sharing Down; Meetings – County Commissioner’s 4/13/04, Housing Commission 4/13/04, Planning Commission 4/26/04, County Commissioner’s 4/27/04, Northern Tittabawassee River Task Force 5/4/04, Arena Board 5/12/04; Miscellaneous – (i) Police Activity Report. All ayes. Motion carried.

ORDINANCE NO. 275

**AN ORDINANCE TO AMEND THE GLADWIN CITY
CODE OF ORDINANCES (CHAPTER 92)**

THE CITY OF GLADWIN ORDAINS:

Section 1. Purpose

The purpose of this article is to amend the Code of Ordinances (Chapter 92) of the City of Gladwin.

Section 2. Amendment

NOW THEREFORE, be it resolved the Gladwin Code of Ordinance (Chapter 92) of the City of Gladwin is amended to add a section entitled:

Section 92.07 – Freestanding Wood Burning Furnaces

A. Freestanding Wood Burning Furnace shall mean any device or structure that is:

- (a) Designed, intended, or used to provide heat and/or hot water to any residence or any structure; and/or accessory use (such as pools)
- (b) Operated by the burning of wood or other solid fuel; and
- (c) Not located within the structure for which it is providing the heat or hot water.

Excluded from the definition of a freestanding wood burning furnace is any device which is designed or used to heat or provide hot water for only the structure in which it is located.

Prohibition. Except as provided below, it shall be unlawful to install, use, maintain, or operate a freestanding wood burning furnace, and to cause or permit the installation or operation of a freestanding wood burning furnace, within the City of Gladwin.

Separation and Operation Requirements. A freestanding wood burning furnace shall be permitted under the following circumstance:

- (a) Where it is located no closer than 150 feet from any adjoining residential or commercial structure (excluding in this calculation the structure for which it is used to provide heat and/or hot water); and
- (b) Where it is operated such that it shall not emit smoke or fumes which annoy or constitute a nuisance to others living in the neighborhood; and
- (c) Where all fuel for such furnace shall be stored at least 50 feet from any property line.

Existing Uses. Notwithstanding Section 92.03, Section 92.07 shall apply to any freestanding wood burning furnace that was installed, connected or operating as of the effective date of this ordinance and, unless the separation and operation requirements are met pursuant to the section above, such use, maintenance, and operation of the freestanding wood burning furnace is hereby prohibited. Any such existing freestanding wood burning furnace shall be removed from service within 90 days of its adoption of Section 92.07 unless conditions (a) – (c) are satisfied.

B. Section 92.99(b) shall further provide that a violation of Section 92.07 shall be a misdemeanor with a maximum penalty of \$500 and/or 90 days in jail.

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 17th day of May, 2004.

**ORDINANCE NO. 276
AN ORDINANCE TO AMEND THE GLADWIN CITY
CODE OF ORDINANCES (CHAPTER 92)**

THE CITY OF GLADWIN ORDAINS:

Section 1. Purpose

The purpose of this article is to amend the Code of Ordinances (Chapter 92) of the City of Gladwin.

Section 2. Amendment

NOW THEREFORE, be it resolved the Gladwin Code of Ordinance (Chapter 92) of the City of Gladwin is amended as follows:

Section 92.23 – OPEN BURNING

according to following Recreational Fires. Recreational fires on private property are permitted the City of Gladwin Above Ground Burn Pit specifications, provided the conditions are met:

- (a) All fires must be at least 15 feet from buildings, property lines and combustible materials.
- (b) Fires are constantly attended by a person of suitable maturity until extinguished and ashes are cold. Fire extinguishing equipment shall be available for immediate use.
- (c) Only clean seasoned dry firewood or commercially produced fuel products are burnt.
- (d) The fire does not endanger other buildings or structures or vegetation.
- (e) Atmospheric conditions are favorable.
- (f) Prohibit emission of smoke or fumes which irritate, annoy or constitute a nuisance to others living in the neighborhood.
- (g) The fire is in a fire pit approved by the Fire Chief or within a pit described in Attachment A.

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 17th day of May, 2004.

Council consensus that the contract for City Attorney Doug Jacobson begin January 1st of 2004.

Motion by Council Member Smith, supported by Council Member Novak to recommend the water meter change out proposal be awarded to Alward Electric for \$30.00 per meter. Ayes: Caffrey, Crawford, Hindman, Jungman, Mienk, Novak, Smith; Abstain: Alward

Council would like to see more proposals for fencing of water facilities. This issue will be brought back to the next Council meeting.

New Business

**RESOLUTION
RESOLUTION TO AMEND CITY OF GLADWIN
SCHEUDULE OF FEES AND CHARGES**

WHEREAS, the City Council of the City of Gladwin established a Schedule of Fees and Charges for the City of Gladwin at a regular meeting held March 2, 1998; and

WHEREAS, any changes or additions to this Schedule require a resolution; and

WHEREAS, the rising costs of providing services has made it necessary to increase utility rates as authorized by resolution adopted June 5, 2000; and

WHEREAS, other fees and charges have been reviewed and adjusted as needed.

NOW, THEREFORE, BE IT RESOLVED, the City of Gladwin Schedule of Fees and Charges be adopted in its entirety, as attached.

The foregoing resolution was offered by Council Member Mienk, 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 17th day of May, 2004.

Council recommended that the Finance Committee look at Laundromat, Car Wash and Restaurant sewer/water use prices.

Mark Greer asked if the City had looked at what the new water meters were going to do to revenue.

Motion by Council Member Mienk, supported by Council Member Caffrey to transfer \$45,000 from the DDA to the General Fund. All ayes. Motion carried.

Recommendation from Council to have the engineers look at Timothy and Ann Street flooding problems.

Motion by Council Member Smith, supported by Council Member Hindman to award bid to Hay Township for the Canon Copier (NP6045) in the amount of \$400.00. All ayes. Motion carried.

Motion by Council Member Smith, supported by Council Member Smith to authorize the purchase of a 2002 Ford Crown Victoria Police Interceptor from Scott McNamara Ford Mercury in the amount of \$15,950. All ayes. Motion carried.

ORDINANCE NO. 278

**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 1203 (6.):

6. Repairs and Maintenance of Nonconforming Structures

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the assessed value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Further, notwithstanding Subsections 4 and 5 of this Article, residential dwellings which are non-conforming due to their location in a non-residential district may be remodeled or rehabilitated for the purpose of maintaining a safe, habitable dwelling place, including additions of dwelling space, provided that the cumulative first floor area of any such additions of dwelling spaces shall not exceed 15% of the first floor of the heated living area of the residential dwelling as of March 22, 2004. Further, accessory buildings for storage space may be allowed, provided that such accessory spaces shall not exceed seven hundred fifty (750) square feet. Any addition or storage space which is proposed to be constructed pursuant to this subsection, shall be subject to site plan review by the Planning Commission.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

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 effect 30 days following publication.

Roll Call Vote:

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

This ordinance adopted this 17th day of May, 2004.

Motion by Council Member Jungman, supported by Council Member Crawford to enter into Executive Session to discuss sale of property. All ayes. Motion carried.

Motion by Council Member Alward, supported by Council Member Hindman to adjourn the Executive Session and return to the regular meeting. All ayes. Motion carried.

Comments

Council Member Smith thinks that Ann and Timothy Street should both be looked at by the engineers to try to remedy the problem of flooding.

Finance Committee, May 27th at 5:00 p.m.

Staff will notify the laundromat owners to attend the Finance Committee meeting.

Safety Committee tomorrow at 9:00 a.m.

Chief Jones stated that two weeks ago, he met with MDOT to discuss crosswalks on North M-18 and James Robertson Drive for turning lanes, traffic lights.

Administrator McConkie stated that the COOL Cities grant has been accepted.

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

Meeting ended at 10:23 p.m.

Thomas L. Winarski, Mayor

Shannon Greaves, City Clerk