

Gladwin, Michigan  
June 6, 2005

The Regular Meeting of the Gladwin City Council was called to order by Mayor Pro Tem Mienk at 8:00 p.m.

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

Absent: Hindman

Staff Present: Jack Abernathy, Shannon Greaves, Bernadette Weaver, Doug Jacobson, Charlie Jones

Also Present: Mayor Thomas Winarski, Tim Armstrong, Bill Rhode, Mark Constance, Craig Smith, Linda Winarski

The Pledge of Allegiance was led by Mayor Pro Tem Mienk and invocation was given by Council Member Dee Jungman.

Council Member Jungman presented plaques to Tammy Mester and Joe Nicklyn to thank McDonald's for the items that were donated.

Minutes of the May 16, 2005 and June 1, 2005 minutes were approved as presented.

Motion by Council Member Crawford, supported by council Member Alward to approve Warrant 05-32 in the amount of \$7,551.39 and Warrant 05-33 in the amount of \$172,378.12.

#### Hearing of Delegations

Craig Smith was present to state concerns regarding blight and lawn cutter/noxious weeds and what can be done about it.

Commissioner Bill Rhode was present to update issues at Gladwin County.

Motion by Council Member Jungman, supported by Council Member Alward to approve the agenda with the following additions: Old Business – (b) Blight Ordinance, (c) Wood Burner Agreement; New Business – (o) Ordinance – Drunken Disorderly. All ayes. Motion carried.

Motion by Council Member Alward, supported by Council Member Caffrey to approve the consent agenda as follows: Communications – (i) City of Gladwin Progress Report – Rowe Incorporated, (ii) Memorandum from John Simpson Regarding Retirement; Meetings – Fire Board – Corrected 4/6/05, Commissioner's Minutes 4/26/05, Fire Board 5/4/05, Commissioner's Minutes 5/10/05, Housing Commission 5/10/05, Personnel Committee 5/18/05, Personnel Committee 5/19/05, Charter Committee 5/23/05, Parks Commission 5/23/05, Planning Commission 5/23/05, Skate Park Committee 5/24/05, Finance Committee 6/2/05, Downtown Development Authority 6/2/05. All ayes. Motion carried.

Old Business

Administrator Abernathy gave a report on the Safety Commission’s recommendation to not allow Go Peds or Pocket Rockets on streets or sidewalks. A letter will be sent to Blythe Alward regarding her request and the City’s recommendation that they not be allowed.

Mayor Winarski was seated at 8:35 p.m.

Council Member Caffrey asked as to the progress of the Wood Burner Agreement (fence/berm). Much discussion was had between Council Members. A letter will be sent to neighbors asking if there are issues with the Wood Burner, to please contact Administrator Abernathy. This issue will be brought back to the next City Council Meeting.

Council Member Crawford stated that the City needs to get tough regarding the blight ordinance.

New Business

**RESOLUTION  
CITY OF GLADWIN  
2005-2006 Budget  
AMENDING RESOLUTION**

**WHEREAS**, the City Council adopted a budget estimating revenues and expenditures for the 2005-2006 fiscal year as required by Chapter IX, Section 9.2 of the City Charter and Act 621, Michigan Public Acts of 1978, as amended, and

**WHEREAS**, the City Council has reviewed the 2005-2006 budget and has made some additions and corrections requiring an amendment to the adopted budget.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Treasurer be authorized and directed to make such transfers between the various funds in accordance with the amended 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.

GENERAL FUND

REVENUES	Original	Amended	EXPENDITURES	Original	Amended
Taxes	\$ 788,500	\$ 788,500	Legislative	\$0	\$ 55,900
License & Permits	26,300	26,300	General Government	627,167	576,267
Federal Grants	0	0	Public Safety	653,387	653,387
State Grants	343,280	343,280	Public Works	317,065	317,065
Local Unit Contributions	25,000	25,000	Health & Welfare	865	865
Charge For Services	400	400	Recreation & Culture	127,780	127,780
Interest and Rents	7,500	7,500	Other Financing Uses	<u>30,000</u>	<u>30,000</u>

Other Revenues	46,000	46,000			
Departmental Revenues	355,895	355,895			
Other Financing Sources	95,250	121,240			
From Fund Balance	<u>68,139</u>	<u>47,149</u>			
Total Revenues	\$1,756,264	\$1,761,264	Total Expenditures	\$1,756,264	\$1,761,264

MAJOR STREET FUND

<u>REVENUES</u>	<u>Original</u>	<u>Amended</u>	<u>EXPENDITURES</u>	<u>Original</u>	<u>Amended</u>
State Grants	\$ 173,607	\$ 173,607	Highways Streets & Bridges	\$ 92,000	\$ 92,000
Interest	1,300	1,300	Other Financing Uses	30,250	42,620
Other Revenues	1,300	1,300	To Fund Balance	<u>53,957</u>	<u>41,587</u>
Other Financing Sources	<u>0</u>	<u>0</u>			
Total Revenues	\$ 176,207	\$ 176,207	Total Expenditures	\$ 176,207	\$ 176,207

LOCAL STREET FUND

<u>REVENUES</u>	<u>Original</u>	<u>Amended</u>	<u>EXPENDITURES</u>	<u>Original</u>	<u>Amended</u>
State Grants	\$ 71,343	\$ 71,343	Highways, Streets & Bridges	\$ 72,250	\$ 72,250
Interest	750	750	Other Financing Uses	5,000	39,160
Other Financing Sources	<u>25,000</u>	<u>25,000</u>	To Fund Balance	<u>19,843</u>	<u>0</u>
From Fund Balance		<u>14,317</u>			
Total Revenues	\$ 97,093	\$ 111,410	Total Expenditures	\$ 97,093	\$ 111,410

MUNICIPAL STREET FUND

<u>REVENUES</u>	<u>Original</u>	<u>Amended</u>	<u>EXPENDITURES</u>	<u>Original</u>	<u>Amended</u>
Taxes	\$ 95,100	\$ 95,100	Highways, Streets & Bridges	\$ 0	\$ 0
Interest	<u>1,000</u>	<u>1,000</u>	Other Financing Uses	96,100	39,060
			To Fund Balance	<u>96,100</u>	<u>57,040</u>
Total Revenue	\$ 96,100	\$ 96,000	Total Expenditures	\$ 96,100	\$ 96,100

DOWNTOWN DEVELOPMENT AUTHORITY

<u>REVENUES</u>	<u>Original</u>	<u>Amended</u>	<u>EXPENDITURES</u>	<u>Original</u>	<u>Amended</u>
Taxes	\$ 344,000	\$ 344,000	Administration	\$ 0	\$ 0
Grants In Aid	0	0	Debt Service	0	0
Interest and Rents	1,000	1,000	Other Financing Uses	211,415	211,415
			To Fund Balance	<u>133,585</u>	<u>133,585</u>
Total Revenues	\$ 345,000	\$ 345,000	Total Expenditures	\$ 345,000	\$ 345,000

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

Roll Call Vote:

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

Resolution declared adopted this 6<sup>th</sup> day of June, 2005.

**RESOLUTION**  
**MILLAGE RATE**

The following resolution was offered by Council Member Jungman, and supported by Council Member Alward.

**WHEREAS**, the City of Gladwin Board of Review has completed its review and correction of the Assessment Roll for 2005 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	\$ 54,412,510
AD VALOREM TAX ROLL - PERSONAL PROPERTY	9,391,692
TOTAL ASSESSMENT ROLLS	63,804,202

**WHEREAS**, the City Council has adopted a budget for the 2005-2006 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 18, 2005 public hearing to review the proposed 2005-2006 city budget and

**WHEREAS**, the City Council, after applying all millage reduction rollbacks has complete authority to establish that 14.6457 mills be levied in 2005 for operating purposes, and

**WHEREAS**, the City Budget for the year 2005-2006 heretofore adopted by this Council shows that the amount of money needed from taxes to meet the City's requirements to be 14.6457 mills on each dollar of Taxable Value of the Real and Personal Property in the City and 3.0000 mills on each dollar of Taxable Value of the same to be levied for the 1996 Sewer Debt.

**NOW, THEREFORE BE IT RESOLVED**, by the authority granted by City Charter, Chapter 10, Section 10.1, the millage rate for 2005 is hereby set at 14.6457 mills to be levied against each dollar of Taxable Value of Real and Personal Property in the City of Gladwin for general operating purposes and 3.0000 mills levied against each dollar of Taxable Value of Real and Personal Property in the City of Gladwin for the 1996 Sewer Debt.

**BE IT FURTHER RESOLVED**, pursuant to the authority of the Gladwin City Charter, Chapter 10, Section 10.9, the City Clerk is hereby directed to Certify to the Assessor the total amount \$ 1,051,024 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:

2005-2006 GENERAL OPERATIONS = \$ 859,612  
2005-2006 SEWER DEBT = \$ 191,412

**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, Mienk, Novak, Smith  
Nays: None  
Absent: Hindman

Resolution declared adopted this 6<sup>th</sup> day of June, 2005.

Motion by Council Member Jungman, supported by Council Member Smith to approve the purchase of four 800 MHz hand held radios and a body wire transmitter/recorder in the amount of \$3,102.00. All ayes. Motion carried.

Clerk Greaves announced that the City had obtained a \$1,000 grant from the Gladwin Community Foundation for purchase of streetscape banners. The City is waiting to see if funds will be given from the Midland Community Foundation.

**RESOLUTION**  
**LIQUOR LICENSE – MR. M’S**  
**(See Attached)**

Motion by Council Member Novak, supported by Council Member Smith to approve the Insight Environmental Services, Inc. Change Order in the amount of \$6037.00 for Type One Water Supply Aquifer Analysis and Wellhead Delineation. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Alward to approve the purchase of a telephone system in the amount of \$3,996.00 from JP Communications. This will come out of the police supply line. All ayes. Motion carried.

Motion by Council Member Crawford, supported by Council Member Alward to approve the bid from Pete’s Contracting in the amount of \$3,192.00 for asphaltting of the gravel driveway approaches on Beech and Cayuga Streets. All ayes. Motion carried.

Motion by Council Member Alward, supported by Council Member Caffrey to approve the extension of the storm sewer from Beech Street and Erie Street north 30 lineal feet for the purpose of draining the water off Erie Street in the amount of \$9,220.00 to Pete’s Contracting. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Jungman to approve leasing a 1989 Elgin Pelican Street Sweeper at \$2,000.00 so the City can hold demonstrations the week of June 20-25, 2005. The lease price of \$2,000.00 would apply towards the purchase of any machine. The \$2,000.00 would come from the equipment fund line. All ayes. Motion carried.

Motion by Council Member Crawford, supported by Council Member Alward to approve Purchase Order #117 to Eaglebrook for purchasing of Ferric Chloride in the amount of \$3,433.60. All ayes. Motion carried.

Parks Chairperson Jungman stated that Dick Behnke had sent his resignation to the Parks Commission. A proclamation will be given to Dick from the Mayor thanking him for his years of service to the Parks Commission.

### **RESOLUTION RAPANOS LOT SPLIT**

**WHEREAS**, the City of Gladwin has received a request from Judith Ann Rapanos Inter Vivos Trust to split lots; and

**WHEREAS**, the Planning Commission reviewed the request at their May 23, 2005 meeting and recommends approval of the request;

**NOW, THEREFORE BE IT RESOLVED** that the splits of:

#### Parcel B

Part of the NorthWest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 1, T18N-R2W, City of Gladwin, Gladwin County, Michigan commencing South 00 degrees 03 minutes 30 seconds West 50.00 feet and South 87 degrees 48 minutes 00 seconds East 50.00 feet to the Point of Beginning; thence South 87 degrees 48 minutes 00 seconds East 177.19 feet along the South line of highway M-61; thence South 00 degrees 03 minutes 30 seconds West 170.00 feet; thence North 87 degrees 48 minutes 00 seconds West 177.19 feet; thence North 00 degrees 03 minutes 30 seconds East 170.00 feet to the Point of Beginning. Containing 0.69 acres and subject to easements, restrictions, reservations, rights of way, leases and agreements of record, if any.

#### Parcel C

Part of the NorthWest  $\frac{1}{4}$  of the South West  $\frac{1}{4}$  of Section 1, T18N-R2W, City of Gladwin, Gladwin County, Michigan commencing South 00 degrees 03 minutes 30 seconds West 220.00 feet along the West section line and South 87 degrees 48 minutes 00 seconds East 50.00 feet to the Point of Beginning; thence South 87 degrees 48 minutes 00 seconds East 305.21 feet; thence along a 1092.14 foot radius curve to the left, having a central angle of 09 degrees 08 minutes 59 seconds and a chord bearing and distance of South 46 degrees 23 minutes 44 seconds West 174.22 feet; thence North 87 degrees 48 minutes 00 seconds West 179.08 feet; thence North 00 degrees 03 minutes 30 seconds East 125.00 feet along the East line of Highway M-18 to the Point of Beginning. Containing 0.69 acres and subject to easements, restrictions, reservations, rights of

way, leases and agreements of record, if any.

Parcel D

Part of the NorthWest ¼ of the South West ¼ of Section 1, T18N-R2W, City of Gladwin, Gladwin County, Michigan commencing South 00 degrees 03 minutes 30 seconds West 345.00 feet along the West section line and South 87 degrees 48 minutes 00 seconds East 50.00 feet to the Point of Beginning; thence South 87 degrees 48 minutes 00 seconds East 179.08 feet; thence along a 1092.14 foot radius curve to the left, having a central angle of 10 degrees 48 minutes 30 seconds and a chord bearing and distance of South 36 degrees 24 minutes 59 seconds West 205.72 feet; thence North 89 degrees 56 minutes 30 seconds West 57.00 feet; thence north 00 degrees 03 minutes 30 seconds East 172.36 feet along the East line of highway M-18 to the Point of Beginning. Containing 0.45 acres and subject to easements, restrictions, reservations, rights of way, leases and agreements of record, if any.

be approved.

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

Roll Call Vote:

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

Resolution declared adopted this 6th day of June, 2005.

**ORDINANCE 285**

**An Ordinance to Amend Portions of Sections 10.99 and 130.18 of the Gladwin City Code of Ordinances**

**IT IS HEREBY ORDAINED** that the Gladwin City Code of Ordinances be amended as follows:

**10.99 – GENERAL PENALTY.**

- (C) In any prosecution under this Code of Ordinances, if the Defendant has been found guilty upon verdict or plea, or otherwise has become subject to the penalties set forth in the Code of Ordinances, the Court may proceed to place the Defendant on probation, and may enter such orders of delayed sentence as would be available for prosecution of the laws of the State under MCL 771.1, as such may be amended from time to time.

**130.18 – PROHIBITED ACTS ENUMERATED.**

Any person who shall engage in the following acts shall be deemed a disorderly person within the terms of this subchapter:

- (B) Be drunk in any public place, or under the influence of any drug in a public place, and who is either endangering directly the safety of another person or of property, or is acting in a manner that causes a public disturbance.
- (L) Insult, accost, molest or otherwise annoy, either by word of mouth, sign or motion any person in a public place.

Except as specifically set forth herein the remaining provisions of the Gladwin City Code of Ordinances remain the same.

This Ordinance shall take immediate effect.

Roll Call Vote:

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

This ordinance adopted this 6<sup>th</sup> day of June, 2005.

Comments

Motion by Council Member Mienk, supported by Council Member Smith to establish a policy that if there is a person that is killed in the line of duty from Gladwin, the cemetery lot will be donated to the family. All ayes. Motion carried.

The City of Gladwin will donate the cemetery lot for Sergeant Brad Wentz to his family. The City agrees to establish a payment plan to Chris Wentz for purchase of three cemetery lots.

Mayor Winarski discussed payment of Airport Board Members and how this could open the door for many problems.

Mayor Winarski stated that Bob Moffit will begin as City Administrator on July 15, 2005.

Council Member Smith asked as to the status of Timothy Street drainage issues.

Council Member Crawford stated that he attended the County Road Commission open house and that they are planning construction on Buckeye Street next year for ingress and egress.

Council Member Jungman stated that the skate park fundraiser raised \$1,311.00.

Council Member Jungman stated that she had attended the County Road Commission open house.

Council Member Novak stated that she wished that a proclamation be sent to the Gladwin Choir.

Charter Committee meeting is June 14, 2005 at 10:00 a.m.

Clerk Greaves gave details regarding Mayor Exchange.

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

Meeting ended at 10:03 p.m.

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Thomas L. Winarski, Mayor

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Shannon Greaves, City Clerk