

September 21, 2006  
Gladwin, Michigan

The Regular Meeting of the Gladwin City Council was called to order by Mayor Winarski at 5:00 p.m.

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

Absent: None

Staff Present: Bob Moffit, Shannon Greaves, Bernadette Weaver, Doug  
Jacobson

Also Present: Jim Redding

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

Minutes of the September 5, 2006 Council Meeting were approved as presented.

Motion by Council Member Alward, supported by Council Member Caffrey to approve Warrant 07-08 in the amount of \$69,641.57. All ayes. Motion carried.

#### Hearing of Delegations

Joe Laidlaw was present to state issues with sidewalk replacement at his residence on Clendening Road. He wished to have some type of reimbursement for the replacement of damage to his sidewalk. Issue will be brought back up at the October 2, 2006 council meeting.

Motion by Council Member Jungman, supported by Council Member Alward to approve the agenda with the following addition: Executive Session – Lawsuit. All ayes. Motion carried.

Motion by Council Member Novak, supported by Council Member Alward to approve the consent agenda as follows: Communications – (i) Get Motivated Seminar; Meetings – Well Head Protection Team Meeting 6/28/06, Commissioner's Minutes 8/23/06, Fire Board 9/6/06, Skate Park Committee 9/6/06, Arena Board 9/13/06, North and South Park Promotion 9/18/06; Miscellaneous – (i) Gladwin Police Department Activity Report. All ayes. Motion carried.

#### Old Business

### **ORDINANCE 290**

### **An Ordinance to Amend Portions of Sections 94 of the Gladwin City Code of Ordinances**

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

**94.35 DUTY OF PROPERTY OWNER TO CUT SPECIFIED WEEDS & GRASS**

It shall be the duty of every owner, possessor, or occupier of land, and of every person having charge of any lands within the city to cut or remove, and to destroy all Canada thistles, milkweed, asclipico, cornutus, weed carrots, ox-eye, daisies, ragweed or other noxious weeds and grass growing thereon, before the first day of May as often as may be necessary to keep the height no higher than eight inches. The aforesaid plants of the stated height are hereby declared to be noxious weeds and grass to constitute a public nuisance.

**94.36 PUBLIC NOTICE TO CUT WEEDS AND GRASS; NOTICE TO INDIVIDUAL PROPERTY OWNER.**

It shall be the duty of the city to give general notice in the following manner to every owner, possessor or occupier of land, and to every person having charge of any lands in this city, whereon noxious weeds and grass are growing, to cut and destroy such noxious weeds and grass. Notice shall be published twice in the official newspaper of the city for two successive weeks prior to April 1<sup>st</sup>. The notice shall set forth the fact that all noxious weeds and grass must be cut on or before May 1<sup>st</sup>. If any weeds are not cut or destroyed by May 1<sup>st</sup>, as aforesaid, then the city shall also mail similar notices to every owner, possessor or occupier of land, and to every person having charge of any lands in the city, whereon noxious weeds and grass are growing, whose post office address is known, and such notices shall direct the attention of such persons to the violation of this notice and shall state that unless the weeds and grass are cut and destroyed seven days following the date of the letter of notification, the city will enter upon the land and destroy the weeds and grass at the expense of the parties so failing to comply with this notice.

Exceptions. The following lands shall be exempt from the provisions of this section, provided that the owner of the land petitions for exemption from the provisions of this section in writing to the City Administrator:

1. Undeveloped wooded areas where tree growth is in excess of ten (10) feet in height.
2. Undeveloped parcels of four and one-half (4 ½) acres or more in non-subdivision areas must be rim cut at least twenty-feet.
3. Undeveloped industrial lots greater than two (2) acres must be rim cut at least twenty-feet. Rim cut shall be defined as any front, side or rear yard adjacent to a street or streets or adjacent to a developed lot.
4. Lands where occupied lots have been developed without removing the original natural cover.

Appeals. In the event the City Administrator shall deny a petition for exemption from the provisions of this section, the petitioner may appeal the decision in writing to the City Council within five (5) business days.

**94.37 CITY TO CUT UPON FAILURE OF OWNER.**

If any person herein required to cut or destroy noxious weeds and grass shall fail or refuse to destroy such weeds and grass seven days following the date of the letter of notification, then the city shall enter upon the land and cause all such noxious weeds and grass to be cut down with as little damage to premises as may be, and he shall not be liable for damages in any action of trespass therefore.

**94.38 ACCOUNT OF EXPENSES; CUT TO CONSTITUTE DEBT TO CITY; COLLECTION.**

The City shall keep an account of the expenses incurred in carrying out the provisions of 94.37 with respect to each parcel of land entered upon therefore. The amount of such expense incurred in the destruction of such weeds shall constitute a debt due the City by persons so failing to comply with this subchapter, and the City may maintain an appropriate action in a court of law for the collection thereof.

**94.38 ASSESSMENT OF COST AGAINST PROPERTY.**

In the event the costs of destroying such weeds as hereinbefore provided remains uncollected or unpaid after thirty days, following the cutting of the weeds, the unpaid amount shall be returned by the City to the Assessor of the City, and the same, together with the interest at the rate of 6% per annum, shall be placed upon the tax roll next in course of preparation as a charge against the property upon which such order was carried out, and the same shall become a lien upon the land and shall be assessed and collected in the same manner as a special assessment of the City, and as assessed and collected shall be paid into the general fund to reimburse the outlay therefrom aforesaid.

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, Hindman, Jungman, Mienk, Novak
Nays:	None
Absent:	Smith
Abstain:	None

This ordinance adopted this 21<sup>st</sup> day of September, 2006.

New Business

Council Member Caffrey gave an update on the T-Hangar Development at the Gladwin Zettel Memorial Airport. He also added that they are working on grants for new fuel systems at the airport.

Motion by Council Member Novak, supported by Council Member Mienk to authorize signing the Addendum to Lease between the City of Gladwin and the State of Michigan for rental of bays at the Gladwin DPW garage. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Hindman to authorize purchase of skate park ramps, which includes ramparts funbox with hips and planter and ramparts double flybox with rail from Egan-Tooley-Doyle and Associates, Inc. in the amount of \$22,773.00. Funds to come from the skate park fund. All ayes. Motion carried.

Council Member Smith was seated at 5:30 p.m.

Motion by Council Member Caffrey, supported by Council Member Hindman to authorize the planning and purchase of a grinder for the Waste Water Treatment Plant to cost approximately \$110,000.00 to come from the sewer fund. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Hindman to authorize bidding for contractors to replace Waste Water Treatment Plant sludge valves. Development of bid package will be \$1,500.00. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Caffrey to authorize Ed Burkmeyer Well Drilling for the backup well project in the amount of \$84,900.00 to come from the water fund. All ayes. Motion carried.

Motion by Council Member Crawford, supported by Council Member Alward to authorize Pyramid Paving Co. to pave South State Street in the amount of \$29,622.55. All ayes. Motion carried. Motion stands from previous meeting to stay at 50% (\$20,000 – City of Gladwin) / 50% (\$20,000 – Gladwin County Road Commission).

Motion by Council Member Caffrey, supported by Council Member Jungman to recess the regular session and open the Executive Session. All ayes. Motion carried.

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

Motion by Council Member Smith, supported by Council Member Mienk to authorize settling in the fashion discussed in the closed session. All ayes. Motion carried.

### Comments

Mayor Winarski discussed a small claims court suit with a former city employee.

Council Member Crawford asked about weed cutting that still hasn't been completed.

Finance Committee meeting set for October 18<sup>th</sup> at 5 p.m.

Meeting recessed at 6:22 p.m.

Meeting called back to order at 6:38 p.m. for a city street work meeting.

Discussion regarding rating city streets and prioritization for reconstruction of streets.

Review of certain streets in ranking of 1-15 for reconstruction purposes.

Discussion regarding bonding to reconstruct streets after the road millage is approved in 2007.

Mayor Winarski asked the City Council to take the street improvement ranking report and make their own priority list.

Council Member Alward asked about the trees downtown and because they are so big, they are blocking the streetlights in that area.

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

Meeting ended at 7:18 p.m.

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Thomas L. Winarski, Mayor

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Shannon Greaves, City Clerk