

December 15, 2008  
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, Novak, Smith

Absent: Mienk

Staff Present: Bob Moffit, Shannon Greaves, Kim Bruner, Charlie Jones

Also Present: Mayor Thomas Winarski, Doug Jacobson, Pastor David Sprang, Doug Scott, Commissioner Bill Rhode, Dan Svetcos, Jamie Loose, Scott Loose

Mayor Winarski led the Pledge of Allegiance and the invocation was given by Pastor David Sprang.

Motion by Council Member Caffrey, supported by Council Member Hindman to enter into the Public Hearing at 7:00 p.m. to take comment on a request by Loose Plastics Incorporated/JASCO Properties, LLC for certain tax abatements pursuant to Public Act 328 of 1998 as amended. All ayes. Motion carried.

A letter of support was received from County Commissioner Josh Reid.

Administrator Moffit explained the 328 tax abatements and that Scott Loose from Loose Plastics had contacted the City in October of 2008 to begin this process.

Mayor Winarski asked for comments from the public. No comments were heard.

Motion by Council Member Jungman, supported by Council Member Alward to adjourn the public hearing at 7:02 p.m. and enter into the Regular Meeting. All ayes. Motion carried.

Minutes of the December 1, 2008 meeting were approved as presented.

Motion by Council Member Alward, supported by Council Member Crawford to approve Warrant #09-16 in the amount of \$56,776.78. All ayes. Motion carried.

#### Hearing of Delegations

County Commissioner Bill Rhode stated Gladwin County issues.

Doug Scott from Rowe Incorporated presented the City of Gladwin projects monthly progress report such as the water tower scoping project, the NPDES Permit renewal, the

Grout Street Parking Lot project, the Grout Street reconstruct and the Industrial Park Wetland Mitigation Project.

Motion by Council Member Jungman, supported by Council Member Caffrey to approve the agenda with the following changes: Addition to New Business – (a) Resolution Approving Application of JASCO Properties LLC for Exemption of New Personal Property and (f) Planning Commission Appointments; Deletion to New Business – (c) City Attorney Services. All ayes. Motion carried.

Motion by Council Member Novak, supported by Council Member Alward to approve the consent agenda as follows: Communications – (i) FAA Permit, (ii) Consumers Energy Notice of Hearing; Meetings – Commissioner’s Minutes 11/10/08, Housing Commission 11/11/08, Special Arena Board Meetings 12/2/08, Board of Review 12/9/08, Special Parks Commission Meeting 12/10/08, Arena Board Meeting 12/10/08. All ayes. Motion carried.

New Business

Minutes of a regular meeting of the Gladwin City Council, held on December 15, 2008, at Gladwin City Hall, in Gladwin, Michigan, at 7:00 p.m.

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

ABSENT: Mienk

The following preamble and resolution were offered by Council Member Novak and supported by Council Member Alward.

**RESOLUTION APPROVING APPLICATION OF JASCO PROPERTIES, LLC  
FOR EXEMPTION OF NEW PERSONAL PROPERTY**

**WHEREAS**, pursuant to P.A. 328 of 1998, as amended, the State of Michigan provides for 100% personal property tax exemption for specific businesses located in eligible distressed communities and within Industrial Development Districts; and

**WHEREAS**, Gladwin City has been identified as a distressed community and by resolution, adopted November 20, 2006, created the Gladwin Industrial Development District; and

**WHEREAS**, JASCO Properties, LLC has filed an application with respect to new personal property to be acquired and installed within the Industrial Development District; and

**WHEREAS**, before acting on said application, the City Council held a hearing on December 15, 2008, at the Gladwin City Hall, in Gladwin, Michigan, at 7:00 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units

were given written notice and were afforded an opportunity to be heard on said application; and

**WHEREAS**, the personal property as proposed was not previously subject to taxation under the General Property Tax Act; and

**WHEREAS**, location of such personal property is calculated to and will at the time of issuance of the certificate have the reasonable likelihood to retain, create or prevent the loss of employment in the City of Gladwin; and

**NOW, THEREFORE, BE IT RESOLVED BY** the City Council of the City of Gladwin that:

1. **The City Council grants the Exemption Certificate** and the Certificate pursuant to Act No. 328 of the Public Acts of 1998 as amended remain in force and effect for 15 years.
2. The application of JASCO Properties, LLC for P.A 328 Exemption Certificate with respect to new personal property be acquired and installed on the following described parcel of real property situated within the Gladwin City Industrial Development District, to wit:

Gladwin City Weber Industrial Park Lot 1,

AND: Gladwin City Section 6 Township 18 North, Range 1 West part of the Northwest one-quarter of Northeast one-quarter beginning at the North one-quarter corner of Section thence South 88 degrees 18 minutes 15 seconds East along North Section line 684.81 feet to the West line of Weber Industrial Park thence South 0 degrees 3 minutes 37 seconds West 201.98 feet thence North 88 degrees 11 minutes 18 seconds West 683.94 feet to the North-South one-quarter line thence North 0 degrees 11 minutes 52 seconds West 200.62 feet to the point of beginning

AND: Gladwin City Section 6 Township 18 North, Range 1 West, the West one-half of the Northwest one-quarter of the Northeast one-quarter excepting the South 66 feet thereof and excepting a parcel beginning South 2 degrees 51 minutes East along the North-South one-quarter line 901.24 feet from the North one-quarter corner thence continuing South 2 degrees 51 minutes East 120.65 feet thence North 87 degrees 43 minutes 15 seconds East 234.87 feet thence 139.48 feet on a 150 foot radius curve to the right having a delta of 53 degrees 16 minutes 50 seconds, a tangent of 75.24 feet and a long chord bearing North 65 degrees 38 minutes 25 seconds West 134.51 feet thence 130.51 feet on a 150 foot radius curve to the left having a delta of 49 degrees 51 minutes 5 seconds, a tangent of 69.71 feet and long chord bearing North 63 degrees 55 minutes 28 seconds West 126.43 feet thence North 88 degrees 51 minutes West 4.59 feet to the point of beginning also excepting a parcel commencing at the Northeast corner of the Northwest one-quarter of Northwest one-quarter of the Northeast

one-quarter thence South 201.98 feet thence West 683.94 feet thence North 200.62 feet thence East 684.81 feet to the point of beginning.

be and the same is hereby approved.

**AYES:** Alward, Caffrey, Crawford, Hindman, Jungman, Novak, Smith

**NAYS:** None

**ABSENT:** Mienk

**RESOLUTION DECLARED ADOPTED.**

Motion by Council Member Smith, supported by Council Member Hindman to approve the rate sheet for the Gladwin Community Building with the exception that there will be a \$50.00 rental fee and a \$50.00 deposit for non-profit, day use rentals. All ayes. Motion carried.

A free garage sale weekend has been discussed. This will be referred to the Ordinance Committee to review and amend the Ordinance.

Michigan Department  
Of Transportation  
2207B (07/08)

## **PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES**

*This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Trunkline Right of Way" (form 2205), or an "Annual Application and Permit for Miscellaneous Operations Within State Trunkline Right of Way" (form 2205B).*

RESOLVED WHEREAS, the City of Gladwin

(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law.

This Agreement is not intended to increase either party's liability for, or immunity from, tort claims.

This Agreement is not intended nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

1. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.

2. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCIES facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCIES requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

5. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

6. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the Michigan Department of Transportation for the necessary permit to work within state trunkline right of way on behalf of the GOVERNMENTAL AGENCY.

Name	And/or	Title
Robert Moffit, City Administrator		
Shannon Greaves, City Clerk		
Charles Jones, Police Chief		
Charles Carman, Department of Public Works Foreman		

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the City Council

(Name of Board, etc)

of the City of Gladwin

(Name of GOVERNMENTAL AGENCY)

of Gladwin County

(County)

at a Regular

meeting held on the 15th

day of

December

A.D.

2008

Signed

*Shannon Greaves*

Title

City Clerk

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

Roll Call Vote:

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

Motion by Council Member Novak, supported by Council Member Alward to appoint Jill Witkowski and John Foor to the Planning Commission for a term to expire on December 5, 2011. All ayes. Motion carried.

Comments

Mayor Winarski stated that he asked Administrator Moffit to see what type of bonding proposal could be put together based on the county millage that we receive for road repairs. This information will be discussed in January.

Council Member Hindman stated that the entire City is happy to welcome Loose Plastics to the community.

Council Member Novak commended the City DPW crew for plowing and cleanup of the snow.

Council Member Jungman stated that Parks Commission Member Sharon Isham's funeral was today. The Parks Commission is going to purchase a tree and plant it in the Park in Sharon's memory.

Chief Jones stated that USDA has authorized the City Police Department to order one police car. Chief stated that local dealers have been checked for pricing. He also stated that there were two bomb threats that happened at the same time at Gladwin High School.

Administrator Moffit thanked everyone for this help with the appreciation dinner and stated that a policy would have to be adopted as per auditor recommendation related to the appreciation dinner.

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

Meeting ended at 7:38 p.m.

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Thomas L. Winarski, Mayor

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Shannon Greaves, City Clerk