

April 21, 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, Charlie Jones

Also Present: Mayor Winarski, Pastor John Johnson, Stephanie Buffman, Cody O'Rourke, Doug Jacobson, Doug Scott, Bill Rhode, Jordan Case, Aaron Miller

Mayor Winarski led the Pledge of Allegiance and the invocation was given by Pastor John Johnson.

Minutes of the April 7, 2008 meeting were approved as presented.

Motion by Council Member Alward, supported by Council Member Novak to approve Warrant #09-30 in the amount of \$33,522.43. All ayes. Motion carried.

#### Hearing of Delegations

County Commissioner Rhode stated County issues regarding health care. There will be a Public Hearing regarding Brownfield at the County Commissioners meeting tomorrow.

Doug Scott from Rowe Incorporated gave an update on City projects such as the Water Tower Scoping project, Lagoon Aeration Repairs, NPDES Permit Renewal, Industrial Park Wetland Mitigation Project and the Safe Routes to School Grant Application.

Aaron Miller stated his candidacy for Gladwin County Prosecutor.

Council Member Hindman was seated at 7:06 p.m.

Motion by Council Member Jungman, supported by Council Member Alward to approve the agenda with the following addition: (g) Storm Drain Proposal and gravel for Third Street, Executive Session – Land Purchase. All ayes. Motion carried.

Motion by Council Member Novak, supported by Council Member Alward to approve the consent agenda as follows: Communications – (i) Quarterly Investment Report – City of Gladwin; Meetings – County Commissioners 3/25/08, Fire Board 4/2/08, Parks Commission 4/7/08, Arena Board 4/9/08, Charter Commission 4/9/08. All ayes. Motion carried.

New Business

**RESOLUTION**  
**TO APPLY FOR FUNDS FOR BLUEPRINTS FOR MICHIGAN DOWNTOWNS**

**WHEREAS**, the City of Gladwin has undertaken an opportunity from the Michigan State Housing Development Authority to apply for the Blueprints for Michigan Downtowns program; and

**WHEREAS**, with due deliberation and consultation with citizens, officials and other interested parties, the City of Gladwin has determined that the Blueprints for Michigan Downtowns program would benefit the entire community as well as guests to the area; and

**WHEREAS**, in a continuing effort to impact the development and revitalization of Michigan's traditional downtowns, Michigan State Housing Development Authority (MSHDA) and the Michigan Municipal League (MML) are continuing on with a fifth year of the Blueprints for Michigan Downtowns program; and

**WHEREAS**, the Blueprints for Michigan Downtowns program takes a comprehensive, market-driven approach toward developing an action-oriented, downtown economic enhancement strategy; and

**WHEREAS**, the Council voted to proceed with the application and to commit to the stated 50% City match of \$15,000.00 in the Blueprints for Michigan Downtowns application.

**NOW, THEREFORE BE IT RESOLVED**, the City of Gladwin Council hereby commits to the City match for the project and shall submit the application to the Michigan State Housing Development Authority to request its assistance.

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

Roll Call Vote:

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

Resolution declared adopted this 21st day of April, 2008.

Motion by Council Member Jungman, supported by Council Member Alward to authorize signing the Rehmann Robson Engagement Letter for the audit for year ended June 30, 2008. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Alward to set the CDBG closeout Public Hearing for the next regularly scheduled meeting of Monday, May 5, 2008 at 8:00 p.m.

# PERFORMANCE

## RESOLUTION FOR GOVERNMENTAL BODIES

*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 BODY," 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 BODY 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 BODY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL BODY 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 BODY. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL BODY, 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 BODY 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 BODY'S facilities according to a PERMIT issued by the DEPARTMENT.

4. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL BODY 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 BODY 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 BODY 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 BODY.

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 Gladwin City Council

(Name of Board, etc)

of the City of Gladwin of Gladwin County

(Name of GOVERNMENTAL BODY)

(County)

at a Regular meeting held on the 21st day of

April A.D. 2008

Signed \_\_\_\_\_ Title \_\_\_\_\_ City Clerk \_\_\_\_\_

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

Roll Call Vote:

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

Motion by Council Member Smith, supported by Council Member Alward to authorize the paving proposal from Pyramid Paving and Contracting Co. in the amount of \$96,460.00 for South Bowery, Cemetery from Cedar to Chatterton, Chatterton from Cemetery to Quarter and Third Street from North Spring Street West. All ayes. Motion carried.

**RESOLUTIONS**  
**DEPOSIT ACCOUNT/LOAN/LEASE FOR CERTIFICATE OF DEPOSIT'S**  
(SEE ATTACHED)

The foregoing resolutions were offered by Council Member Jungman and supported by Council Member Caffrey.

Roll Call Vote:

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

Motion by Council Member Jungman, supported by Council Member Hindman to authorize the proposal from Shull Transport, Inc. in the amount of \$5,500.00 for furnishing and installing catch basin on Chatterton Street off Cemetery Street with pipe and connection to existing catch basin and furnishing and installing catch basin on Chatterton Street off Quarter Street with pipe and connection to exiting main and for \$3,495.00 for furnishing and installing gravel base on Third Street. All ayes. Motion carried.

Stephanie Buffman from the Gladwin County Record introduced the new Reporter at the Record, Cody O'Rourke.

Comments

Donkey Basketball game is May 1, 2008 at 7:00 p.m. at the Gladwin Community Arena.

Chief Jones stated issues regarding the baffle project at the Gladwin Community Arena.

Clerk Greaves stated that there will be a Charter Public Meeting on June 11<sup>th</sup> at 7:00 p.m. at City Hall.

Clerk Greaves asked the Council to submit newsletter articles to her by the end of this week.

Administrator Moffit stated that the City Clean Up Day will be May 17<sup>th</sup> from 9 a.m. to 1 p.m.

Motion by Council Member Jungman, supported by Council Member Novak to recess the regular session at 7:20 p.m. and enter into Executive Session for discussion regarding land purchase. All ayes. Motion carried.

Motion by Council Member Crawford, supported by Council Member Alward to adjourn the Executive Session at 7:37 p.m. and re-enter the regular session. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Jungman 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