

April 20, 2009  
Gladwin, Michigan

The Regular Meeting of the Gladwin City Council was called to order by Mayor Pro Tem Mienk at 6:00 p.m.

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

Absent: Mayor Thomas Winarski

Staff Present: Bob Moffit, Shannon Greaves, Charlie Jones

Also Present: Commissioner Bill Rhode, Commissioner Josh Reid, Nancy  
Bodnar, Pastor Phil Hortop

The Pledge of Allegiance was led by Mayor Pro Tem Mienk and the invocation was given by Pastor Phil Hortop.

Minutes from the April 6, 2009 minutes were approved as presented with a change to the Safety Committee Minutes of April 15, 2009 to change from police to policy.

Motion by Council Member Alward, supported by Council Member Novak to approve Warrant #09-28 in the amount of \$37,690.57 and payroll for pay period ending 4/5/09 in the amount of \$52,267.83. All ayes. Motion carried.

#### Hearing of Delegations

County Commissioner Bill Rhode stated Gladwin County issues regarding lawsuits that were dropped.

Josh Reid presented a preliminary map of an access trail running behind the Cedar Avenue Inn, along the Airport and out to Easton Road.

Motion by Council Member Jungman, supported by Council Member Alward to establish the agenda with the following additions: New Business – (j) Summer Youth Program, (k) 2000 Ford Crown Victoria and other items sent to auctioneer for sale. All ayes. Motion carried.

Motion by Council Member Novak, supported by Council Member Alward to approve the consent agenda as follows: Communications – (i) Investment Report for the Quarter Ending March 31, 2009, (ii) Administrator Updates; Meetings – Fire Board 4/1/09, Arena Board /8/09, Safety Committee 4/15/09, EDC 4/8/09. All ayes. Motion carried.

## New Business

Motion by Council Member Jungman, supported by Council Member Caffrey to approve the Rowe Professional Services Company bid for the park grant project in the amount of \$34,900.00. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Alward to approve Purchase Order #09-364 to Michigan Pipe and Valve in the amount of \$5,939.00 for Anchor Street Water Main Supplies to come from 591-000-152-000. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Novak to approve Purchase Order #09-363 to Shull Transport, Inc. in the amount of \$16,960.00 for Anchor Street Water Main Labor to come from 591-000-152-000. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Alward to approve Purchase Order #09-362 to Bader and Sons, Co. in the amount of \$7,392.00 for new John Deere Equipment and Trade In to come from 661-000-138-000. All ayes. Motion carried.

### **STATE OF MICHIGAN CITY OF GLADWIN ORV ORDINANCE ORDINANCE NO. 301**

An ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles (ORV's) on roads in the City of Gladwin, Michigan, for the purpose of providing for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to PA 240 of 2008, MCL 324.81131.

THE CITY OF GLADWIN ORDAINS:

Section 1. As used in this Ordinance, the following definitions shall apply:

- a. "City" means the City of Gladwin.
- b. "Driver license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan vehicle code, 1949 PA 300, MCL 257.301 to MCL 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c. "Operate" means to ride in or on, or be in actual physical control of the operation of an ORV.

d. "Operator" means a person who operates or is in actual physical control of the operation of an ORV.

e. "ORV" or "vehicle" means a motor driven off road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi wheel drive vehicle, an ATV [as defined in MCL 324.81101(a)], a motorcycle or related 2-wheel, 3-wheel or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means or transportation deriving motive power from a source other than muscle or wind. ORV does not include a registered snowmobile, nor a golfcart, unless such golfcart shall satisfy the criteria of an "ORV".

f. "Maintained portion" means that portion of a road improved, designated or ordinarily used for vehicular traffic.

g. "Road" means a road or street which is in the City of Gladwin street system. Road does not include a private road. Street and road are intended to be interchangeable phrases.

h. "Safety certificate" means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324. 81129, or a comparable ORV safety certificate issued under the authority of another State or a province of Canada.

i. "Visual supervision" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

Section 2. Subject to the provisions of this Ordinance and statutes, operation of an ORV on the maintained portion of the following roads is authorized: Oberlin Road, Clendening Road, Spring Street to First Street (Weber Road) to James Robertson Drive, South Silverleaf to June Street to State Street ending at First Street and Buzzell Road to Cemetery Street to Bruce Street to Lumm Street.

Section 3. This Ordinance is not intended to authorize the operation of an ORV on a street or highway which is a State trunkline highway.

Section 4. No person shall operate an ORV on a road unless as follows:

a. At a speed of no more than 25 miles per hour or at a lower posted ORV speed limit, if such lower speed limit be established.

b. With the flow of traffic on the far right of the maintained portion of the road.

c. In a manner which does not interfere with traffic on the road.

d. Not during any period when visibility is substantially reduced due to weather conditions nor during the hours of 1/2 hour after sunset to 1/2 hour before sunrise, unless with the display of lighted headlight and lighted taillight, and beginning January 1, 2010, such lighted headlight and lighted taillight shall be displayed during all periods of operation of an ORV upon a road.

e. If such person is not at least 18 years of age, such person shall not operate an ORV on a road unless:

i. The person shall have in possession an ORV safety certificate and either of the following:

(a) Possess a valid driver license.

(b) Be at least 12 years of age and be under the direct visual supervision of a parent or guardian.

ii. Operation of an ORV by a person between the ages of 12 years and 16 years is limited to crossing a highway or street or operation upon the right-of-way or shoulder of roads (not the maintained portion).

f. All operation shall be in single file except that an ORV may travel abreast of another ORV in the course of overtaking and passing, or being overtaken and passed, by another ORV.

Section 5. Notwithstanding any provision to the contrary, this Ordinance does not allow for any of the following:

a. Operation on a road by person under the age of 12 years.

b. Operation of a 3-wheeled ATV by any person under the age of 16 years.

c. Operation of an ORV which is registered as a motor vehicle under Chapter II of the Michigan Vehicle Code and is either more than 60 inches wide or has 3-wheels, unless such person shall possess a license as defined in Section 25 of the Michigan Vehicle Code.

d. Any operation of an ORV which contravenes State law.

Section 6. Any person who shall violate this Ordinance shall be responsible for the cost of repairing any damage to the environment, road or street or public property which is a result of such violation.

Section 7. A violation of this Ordinance shall be a municipal civil infraction, with a fine of up to \$500.00, together with Court costs; the Court may further order restitution. Fines and restitution shall be deposited by the County Treasurer into the ORV fund with such funds to be distributed to the agencies and for the purposes set forth in MCL 324.81131(14)

Section 8. This Ordinance shall be effective upon publication in the Gladwin County Record.

The foregoing Ordinance was offered by Council Member Caffrey and supported by Council Member Alward.

Dated this 20th day of April, 2009.

Roll Call Vote:

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

Nays: None

Absent: None

Abstain: None

Motion by Council Member Jungman, supported by Council Member Caffrey to approve the lockout/tagout, barricading, driving safety and excavating policies as follows:

### **CITY OF GLADWIN LOCKOUT/TAGOUT POLICY**

The following is the lockout procedure for the City of Gladwin. This policy covers issues which are not required by MIOSHA safety standards. It is, however, a guide which has been developed by the City of Gladwin Safety Committee for our employees. This lockout/tagout policy is required by the Michigan Occupational Safety Standards.

### **POWER LOCKOUT/TAGOUT PROCEDURES**

Lockout procedure for the City of Gladwin.

#### **I. PURPOSE**

The purpose of this procedure is to assure that employees are protected from unintended machine motion or unintended release of energy which could cause injury when they set up, adjust, repair, service, install or perform maintenance work on equipment, machinery or processes. This procedure applies to all employees performing any of the aforementioned tasks. Also, all energy sources.

## II. MANAGEMENT RESPONSIBILITIES

- A. Each department head shall be responsible for training new employees and periodically instructing all of their employees regarding provisions and requirements of this procedure.
- B. Each department head shall effectively enforce compliance of this procedure including the use of corrective disciplinary action where necessary.
- C. Each department head shall assure that the locks and devices required for compliance with the procedure are provided to their employees.

## III. EMPLOYEES RESPONSIBILITY

- A. Employees shall comply with the procedure.
- B. Employees shall consult with their department head or other appropriate knowledgeable management personnel whenever there are any questions regarding their protection.
- C. Employees shall obtain and care for the locks and other devices required to comply with the procedure.

## IV. GENERAL

- A. The power source of any equipment, machine or process to be set-up, adjusted, repaired, serviced, installed or when maintenance work is to be performed and unintended motion or release of energy would cause personal injury, such a power source shall be tagged and or locked by each employee doing the work. (See section V.) Sources of energy, such as springs, air, hydraulic and steam shall be evaluated in advance to determine whether to retain or relieve the pressure prior to starting the work.
- B. Safety locks are for personal protection of the employee and are only to be used for locking out equipment.
- C. Safety locks, adaptors and "Danger Tags" shall be readily available at work sights as determined by the safety committee.
- D. Employees shall request assistance from their supervisor if they do not know where or how to lock out equipment.

## V. LOCKING OUT AND ISOLATING THE POWER SOURCE

- A. Equipment, machines or processes main disconnect switches shall be turned off and locked in the off position only after the electrical power is shut off at the point of operation control. Failure to follow this procedure may cause arcing, and possibly an explosion.

- B. A machine connected to over a 110 volt source of power by a plug-in cord shall have a locking device applied to the plug attached to the cord leading to the machine and be disconnected to be considered locked out.
- C. A machine connected to a 110 volt source of power by a plug-in cord shall be considered locked out if the plug is disconnected and tagged with a danger tag.
- D. After locking out the power source, the employee shall try the equipment, machine or process controls to ensure no unintended motion will occur or test the equipment, machine or process by use of appropriate test equipment to determine that the energy isolation has been effective.
- E. Safety tags and/or locks are to be fixed on levers, switches, valves, etc., in the nonoperative (off) position.
- F. Employee shall notify supervisor or one other employee when lockout procedure has been performed. Include information on a tag attached to the lockout device why energy was locked out and what steps must be followed before energy can be restored.
- F. An employee who is assigned to a job and upon arrival finds an "Equipment Lock", "Adaptor", and/or "Danger Tag" affixed to the equipment shall take the following action:
  - 1. Initial tag/check lock. Contact the person who initialed the tag first.
  - 2. Try the local controls to ensure no unintended motion will occur before starting work or test the equipment, machine or process by use of appropriate test equipment to determine that the energy isolation has been effective.
- G. When safety blocks are required they shall be used in conjunction with the lockout steps, not as a substitute.

## VI. REMOVAL OF LOCKS

- a. Make sure all tools and equipment are removed.

## VII. REMOVAL OF LOCKS AND RESTORING POWER SOURCE

- A. Power may be turned on when it is required to perform tests or adjustments. All of the rules pertaining to removing locks and restoring power shall be followed. The equipment, or process shall again be locked out if it is necessary to continue work after completing the test or adjustments.
- B. Upon completion of the work, each employee will remove tag and lock rendering the machine operable.
- C. The employee responsible for removing the lock or tag, before doing so, shall assure that all guards have been replaced, the equipment, machine or process is cleared for operation, and

appropriate personnel notified that power is being restored. This employee is responsible to return the lock to the appropriate location.

- VIII. A. The department head will be authorized to remove a lock or tag after investigation, under the following conditions:
1. After investigation and determination that it will no longer pose a hazard, the department head may remove the lock.
  2. The department head is responsible for making certain all the requirements for restoring power are followed.

Adopted: February 11, 2009  
Approved by City Council: April 20, 2009

### **CITY OF GLADWIN BARRICADING POLICY**

This policy outlines the use of barricades to prevent injuries and damage.

This policy applies to streets, sidewalks and any construction, demolition or other site where possible hazards exist.

Gladwin Central Dispatch shall be notified in advance of the intent to close any street within the City. Such notice shall consist of the location to be barricaded and the estimated duration of closure.

All barricades or markings must be removed immediately upon completion of work, and Central Dispatch shall be notified that the street is no longer closed.

Any barricade (street or sidewalk) shall meet with the approval of the Chief of Police, Street Administrator, DPW Director and/or their designee. There may be occasions when additional signing will be necessary for channeling traffic into opposing lanes of traffic and additional recommendations may be made. Detours or rerouting will be made in accordance with MDOT standards.

#### **BARRICADES LEFT AFTER DARK SHALL BE VISIBLE AT ALL TIMES.**

ALL BARRICADES MUST BE IDENTIFIED BY A WARNING DEVICE INCLUDING, BUT NOT LIMITED TO: a light, flags, reflectors or colors to warn persons of a hazardous area. When using lights, they shall be lighted from one hour before sunset until one hour after sunrise per MDOT standards.

STREET CLOSED signs shall be placed on barricades where appropriate.

#### **DEFINITIONS**

## GENERAL BARRICADING

Required when construction, maintenance or demolition projects present a temporary hazard. Examples are sidewalk repair, excavating or overhead hazards such as injuries from falling objects exist. Tape, saw-horses, cones, etc are adequate for many temporary hazards.

## SPECIAL BARRICADES

Required where great danger exists, such as holes, openings in walls or handrails through which a person could fall or overhead hazards where a person could be struck by falling objects. Also in situations of hazardous material spills where isolation may be necessary.

## **BARRICADES FOR THIS PURPOSE MUST BE ABLE TO PREVENT A FALL OR CONTACT FROM FALLING OBJECTS.**

### TEMPORARY CLOSING, STREET OR SIDEWALK (less than 12 hours)

At each point of closing, a minimum of general, Class I or Class II barricades of sufficient number to block a minimum of three-fourths of the street or sidewalk width.

### LONG-TERM CLOSING, STREET OR SIDEWALK (more than 12 hours or overnight)

At each point of closing, a minimum of Class I barricades or barrels.

## CLASS I BARRICADES

Shall consist of a single horizontal rail of 6" - 8" width and a minimum of 3' in length with the top edge of the rail 36" - 42" above ground level. The rail shall be painted with reflective type paint of alternate orange and white stripes.

## CLASS II BARRICADES

Shall consist of two horizontal rails 8" - 10" wide and a minimum of 2' long, with the top rail at least 3' above ground level. The rails are to be painted with reflective type paint of alternate orange and white stripes.

## CLASS III BARRICADES

Shall consist of three horizontal rails of 8" - 10" width with the upper edge of the top rail at a height approximately 5' above the ground, and are to be a minimum of 6' in length. The rails are to be painted with reflective type paint of alternate orange and white stripes.

## CONES, BARRELS AND FENCING

Cones shall be a minimum of 18" high for general use. Twenty-eight inch should be the minimum height of cones used on high speed roadways and all facilities during darkness or wherever more conspicuous guidance is needed. They may be made of various materials to withstand impact without damage to themselves or vehicles. Orange shall be the predominant color of cones.

Barrels shall be approximately 36" high and a minimum of 18" in diameter. Markings on barrels shall be horizontal, circumferential, alternating orange and white stripes four to eight inches wide. There shall be at least two orange and two white stripes on each barrel.

Any non-reflective space on the vertical sides of the barrel shall be orange in color.

Fencing which is orange in color, such as plastic snow fence, may be used in situations where complete blockage (area isolation) is required. Some examples would be those mentioned in the definition section, special barricades statement of this policy. Warning or informational tags or signs may be placed on fencing type barricades.

### PARTIAL BLOCKAGE

Shall be barricaded so vehicle and pedestrian traffic will not enter the work (or hazard) area.

### COMPLETE BLOCKAGE

Barricades shall block the entire right-of-way. People and traffic shall be blocked from the area on all sides.

Adopted: February 11, 2009

Approved by City Council: April 20, 2009

## **CITY OF GLADWIN DRIVING SAFETY POLICY (Motorized Vehicles)**

### **POLICY**

All motorized vehicles operated by city employees while acting on behalf of the City shall be operated and maintained in a safe manner.

### **SCOPE**

This policy applies to all motorized vehicles including cars, trucks, vans, equipment and utility vehicles of all sizes.

## **DRIVER RESPONSIBILITIES**

- Drive defensively.
- Comply with all State of Michigan Operating Rules and Regulations.
- Operate only those vehicles maintained in a safe condition.
- Maintain a valid operator's license (including CDL where applicable) and notify supervisor if license is expired, restricted or suspended.
- Promptly report any accidents or incidents to their supervisor.
- Must always be alert for pedestrians.
- Maintain a safe and prudent speed at all times.

## **GENERAL RULES**

- Seat belts must be worn by the driver and all passengers.
- Passengers riding in the back of a truck must be seated at all times on the bed floor. Tailgate must be closed.
- Passengers shall not be carried on utility vehicles or equipment (**Active Operators Only**) unless the vehicle is designed for such use.
- Unattended vehicles should not be left running. If it is necessary to leave a vehicle engine running, the parking brake must be set.
- Use headlights to see and be seen during periods of questionable visibility.
- Safety chains shall be used by vehicles pulling any unit, including trailers and equipment.
- Vehicles shall not operate on sidewalks. (This applies to shortcuts mainly; exceptions would be units being used in snow removal or excavation, where job requirements would apply any time the sidewalk becomes the work are.)

Adopted: April 15, 2009

Approved by City Council: April 20, 2009

### **CITY OF GLADWIN DEPARTMENT OF PUBLIC WORKS** **EXCAVATING POLICY** **(INCLUDING TRENCHING)**

**MISS DIG MUST BE NOTIFIED 72 HOURS OR 3 WORKING DAYS IN ADVANCE OF ANY ACTIVITY INVOLVING POWER EQUIPMENT IN WHICH THE DEPTH WILL EXCEED 12 INCHES.**

**SCOPE:** This policy is developed to serve as a guideline applying to all excavation activities performed by any unit of the City of Gladwin. This document includes trenching, backfilling, dozing and working in and around excavations.

## **GENERAL STATEMENTS**

To proactively insure proper safety and well being, and compliance, this policy shall be coordinated with the Personal Protective Equipment policy and the Barricading policy previously initiated for the City of Gladwin. This policy shall coincide with any other local policy which applies.

This policy must also conform to all MIOSHA rules and guidelines that apply to excavation equipment and procedures.

### **CONTAMINATED SOIL SHALL NOT BE USED AS BACKFILL.**

**POLICY** To insure that excavation, including all phases shall be done in a safe, manageable process for the protection of people, property and the environment.

### **GENERAL EXCAVATING**

- I. Visually inspect the excavation site to check for any signs of underground utilities, overhead lines and obstructions. Also, make sure existing utilities have been staked.
- II. Hand dig when working close to utility lines.
- III. Excavate below existing utility lines or adjacent to poles and guy wires only when they have been adequately supported.
- IV. Do not operate moving equipment within 10 feet of overhead electrical wires unless a signalman is used to direct the operator of the equipment.

### **GAS LINES, DAMAGED**

- I. Shut off all engines and motors in the area.
- II. Eliminate all open flames, including smoking of all types.
- III. Notify supervision and proper emergency personnel.
- IV. Keep people away from the area; evacuate affected area if necessary.
- V. Do not cover up the damaged area.
- VI. Do not leave the area unattended.

**If a utility is scraped, notify that utility company so it may be inspected for damage before covering it.**

### **ELECTRICAL AND TELEPHONE LINES**

- I. Consider all electrical and telephone lines as hazardous. (Telephone lines can be energized with high voltage if crossed with a power line in an accident).
- II. When working in the area, be careful not to cause sparks by striking rocks with shovels, etc.
- III. Be aware of static electricity from any possible source.

### **TRENCHES (A TRENCH BEING ANY EXCAVATION WITH A DEPTH GREATER THAN ITS WIDTH, MEASURED AT THE BOTTOM)**

- I. Always watch for changes in soil condition or warning signs of a cave-in such as cracks or slides.
- II. Don't stand or work unnecessarily close to the edge of an excavation.
- III. Don't get near the power equipment when in use: USE COMMON SENSE.

ADOPTED DATE: APRIL 15, 2009  
APPROVED BY CITY COUNCIL: APRIL 20, 2009

Motion by Council Member Smith, supported by Council Member Caffrey to approve signing the 2009 Michigan Works Summer Worksite Application. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Alward to authorize submitting to the auctioneer miscellaneous equipment and a 2000 Ford Crown Victoria. All ayes. Motion carried.

Motion by Council Member Smith, supported by Council Member Crawford to donate the 2002 Ford Crown Victoria to the Gladwin Airport. All ayes. Motion carried.

### Comments

Council Member Caffrey thanked the City Council for the donation of the 2002 Ford Crown Victoria for the Gladwin Airport.

Council Member Jungman stated Council Member Smith, Officer Josh Hale and Administrator Moffit are going to ride a donkey during the donkey basketball game on Saturday May 2<sup>nd</sup> at 7 p.m. at the Gladwin Community Arena.

Commissioner Josh Reid will present the finalized James Robertson City County ORV route leading Easton Road.

Chief Jones gave an update on the fatal car chase.

Council Member Hindman gave an update on the burnout contest at the Arena.

It was also noted that there are broken storm drains that need to be fixed. Administrator Moffit stated that he will be working on this issue.

Discussion regarding the farmer's market feasibility study grant.

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

Meeting ended at 7:16 p.m.

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Thomas Mienk, Mayor Pro Tem

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Shannon Greaves, City Clerk