

June 1, 2009
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, LaVel Smith, Lauren
Essenmacher, Charlie Jones

Also Present: Mayor Tom Winarski, Doug Jacobson, Dan Svetcos, Nancy
Bodnar, Commissioner Josh Reid, Pastor David Sprang,
Commissioner Bill Rhode

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

Minutes from the May 18, 2009 meeting were approved as presented.

Motion by Council Member Alward, supported by Council Member Jungman to approve Warrant #09-32 in the amount of \$68,470.92 and Warrant #09-33 in the amount of \$65,070.86 and payroll for pay period ending 5/17/09 in the amount of \$52,563.00. All ayes. Motion carried.

Hearing of Delegations

Commissioner Bill Rhode stated Gladwin County budget issues.

Housing Director Lauren Essenmacher gave updates on the Gladwin City Housing Commission.

Council Members Mienk and Crawford were seated at 5:08 p.m.

Arts Council Director LaVel Smith gave an update on summer events and on empty downtown storefronts being utilized for event promotion.

Motion by Council Member Jungman, supported by Council Member Alward to approve the agenda with the following additions: Old Business – (b) Pyramid Paving; New Business – (i) S&H Engraving – Proposal for Park Sign. All ayes. Motion carried.

Motion by Council Member Novak, supported by Council Member Alward to approve the consent agenda as follows: Communications - (i) Correspondence for the US Department of Justice Regarding COPS Hiring Recovery Program; Meetings – Fair Board 4/25/09, County Commissioners 4/28/09, Special Fair Board 5/9/09, Housing Commission 5/12/009, Downtown Development Authority 5/13/09, Parks Commission 5/26/09. All ayes. Motion carried.

**STATE OF MICHIGAN
CITY OF GLADWIN ORV ORDINANCE
ORDINANCE NO. 302 AMENDING 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:

- Clendening St from Oberlin Rd to N. State St (M-18)
- Spring St from Clendening to W. First St
- W. First St from West End to M-18
- E. First St from M-18 to East City Limits (Weber Rd)
- N. James Robertson Dr from E. First St to E. Cedar Ave (M-61)
- S. James Robertson Dr from E. Cedar Ave (M-61) to Gladwin Sports Complex Driveway
- Industrial Drive from E. First St to E. Cedar Ave (M-61)
- N. State St from E. First St to E. Cedar Ave (M-61)
- S. State St from E. Cedar Ave (M-61) to Zettel Airport Parking Lot
- E. June St from S. State St to S. Silverleaf St
- S. Silverleaf St from Grout St to South City Limits (River Rd)
- Grout St from S. State St to S. Bowery St
- S. Bowery St from Grout St to Gladwin County Building driveway
- Buzzell St from M-18 to Stickel St
- Cemetery St from Buzzell St to W. Cedar Ave (M-61)
- Bruce St from Cemetery St to Lumm St
- Lumm St from Bruce St to W. Cedar Ave (M-61)
- Center St from Cemetery St to Hill St
- Hill St from Center St to W. Cedar Ave (M-61)
- S. City Park St from West entrance to Courthouse parking lot to City Park entrance.

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 take immediate force and effect.

The foregoing Ordinance was offered by Council Member Smith and supported by Council Member Jungman.

Dated this 1st day of June, 2009.

Roll Call Vote:

Ayes: Alward, Caffrey, Hindman, Jungman, Smith

Nays: Crawford, Mienk, Novak

Absent: None

Abstain: None

Motion by Council Member Jungman, supported by Council Member Crawford to authorize re-issuing a check to Pyramid Paving in the amount of \$60,000.00 and issuing a new check to them for \$30,000.00 for paving projects. All ayes. Motion carried.

Motion by Council Member Smith, supported by Council Member Hindman to allow street closures for Fun Days on July 10, 11 and 12th. Streets to be closed are North and South Antler from Cedar Avenue one block north and south and North and South Arcade from Cedar Avenue one block north and south and authorization for Mike Tuite from the Hotel Bar to utilize for an extended service area of the business, the sidewalk and street area of South Antler from Cedar Avenue South to the alley behind the establishment for a special use agreement that extends from July 10, 2009 at 10:00 a.m. through July 11, 2009 at 2:00 a.m. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Caffrey to approve Purchase Order #09-373 to Kemira Water Solutions, Inc. in the amount of \$4,252.50 to come from 590-536-726.000. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Smith to approve Purchase Order #09-376 to UIS Programmable Services in the amount of \$4,979.68 to come from 590-536-930.000. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Alward to authorize signing the engagement letter with Rehmann Robson to provide auditing services to the City of Gladwin for the year ended June 30, 2009. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Caffrey to authorize the bid from Malley Construction, Inc. from Mt. Pleasant in the amount of \$108,409.00 for Grout Street Parking Lot project. All ayes. Motion carried.

Motion by Council Member Smith, supported by Council Member Alward to authorize shifting parking spots north on South Arcade (west side) and re-stripe to allow for one additional parking spot. All ayes. Motion carried.

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

RESOLUTION

WHEREAS, the City of Gladwin Board of Review has completed its review and correction of the Assessment Roll for 2009 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	\$ 62,971,905
AD VALOREM TAX ROLL - PERSONAL PROPERTY	7,427,777
TOTAL ASSESSMENT ROLLS	70,399,682

WHEREAS, the City Council has adopted a budget for the 2009-2010 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 6, 2009 public hearing to review the proposed 2009-2010 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 2009 for operating purposes, and

WHEREAS, the City Budget for the year 2009-2010 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 1.4160 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 2009 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 1.4160 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 \$ 1,089,338 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:

2009-2010 GENERAL OPERATIONS = \$ 989,653
2009-2010 SEWER DEBT = \$ 99,685

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

RESOLUTION DECLARED ADOPTED this 1st day of June, 2009.

Motion by Council Member Jungman, supported by Council Member Caffrey to authorize the estimate from S&H Engraving for a new 2' x 8' park sign including one set of 300 letters in the amount of \$700.00 and to make the appropriate budget amendment to 101-751-930.000. All ayes. Motion carried.

Comments

Mayor Winarski stated that the new paving looks wonderful.

Council Member Caffrey stated that the Airport will have new fuel tanks in September.

Mayor Pro Tem Mienk assumed control of the meeting at 5:45 p.m.

Council Member Hindman stated that there are quite a few happy people with the new road paving.

Council Member Hindman stated that he needed to meet with Administrator Moffit regarding the Hazardous Waste Collection.

Council Member Jungman stated that there needs to be mowing done at the Credit Union. Clerk Greaves will send out a letter for mowing.

Chief Jones stated issues regarding the missing praying mantis and the turning over of one of the big flower pots.

Council Member Jungman asked Chief Jones when the skate park camera was going to be installed.

Housing Director Essenmacher stated that the bids for the boilers are out and that the rental rehab has begun on the Simply Charmed building.

Clerk Greaves stated that the Gladwin County Festival of Lights Christmas Parade is beginning a new fundraiser this year by selling engraved ornaments in the stores for \$10 each. All proceeds would go to the Christmas Parade.

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

Meeting ended at 5:57 p.m.

Thomas L. Winarski, Mayor

Shannon Greaves, City Clerk