

January 3, 2012
Gladwin, Michigan

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

Present: Alward, Hindman, Jungman, Mienk, Rowley

Absent: Caffrey, Crawford, Smith

Staff Present: Bob Moffit, Shannon Greaves

Also Present: Mayor Thomas Winarski, Nancy Bodnar, Dan Svetcos,
Pastor Brad Withrow, Dr. Bob Wenzel

The Pledge of Allegiance was led by Mayor Winarski and the invocation was given by Pastor Brad Withrow.

Minutes of the December 19, 2011 meeting were approved as presented.

Motion by Council Alward, supported by Council Member Jungman to approve Warrant #12-08 in the amount of \$66,167.27 and Warrant #12-19 in the amount of \$21,682.96 and payroll for pay period ending December 24, 2011 in the amount of \$53,615.07. All ayes. Motion carried.

Hearing of Delegations

Motion by Council Member Jungman, supported by Council Member Alward to approve the agenda with the following deletion: New Business – c. BS&A Proposal – Upgrade of Service. All ayes. Motion carried.

Motion by Council Member Alward, supported by Council Member Jungman to approve the consent agenda as follows: Meetings – Commissioners – November 22, 2011. All ayes. Motion carried.

New Business

RESOLUTION
CITY OF GLADWIN
FIRE DISTRICT

WHEREAS, the Gladwin City Council desires to proceed with the levy of special assessments to defray the cost of fire protection provided by the Gladwin Rural Urban Fire District and confirm the special assessment roll as amended.

NOW, THEREFORE BE IT RESOLVED, by the Gladwin City Council, of Gladwin County, Michigan, as follows:

1. The Gladwin City Council confirms the creation of special assessment district to provide fire protection.
2. The Gladwin City Council determines that the special assessment reflected on the special assessment roll prepared by the Assessor, as amended following the public hearing, is a fair assessment for the purpose of providing fire protection.
3. The fire protection district special assessment roll levy of 1 mill against the taxable value of all real property within the district is confirmed.
4. The assessment made in said special assessment roll are hereby ordered and directed to be collected. The City Clerk shall deliver said special assessment roll to the City Treasurer to collect the assessment therein in accordance with the direction of the Gladwin City Council with respect thereto, and the Treasurer is authorized and directed to collect the amounts therein pursuant to this resolution and applicable statute of the State of Michigan.

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

Roll Call Vote:

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

Resolution declared adopted this 3rd day of January, 2012.

**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 Highway Right of Way," or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way."

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 Highway 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:

1. 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, 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.
2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. 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. Any claims 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 will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. 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.
4. The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY 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.
6. 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.
7. 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 DEPARTMENT for the necessary permit to work within State Highway 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 of GLADWIN COUNTY
(Name of GOVERNMENTAL AGENCY) (County)
at a REGULAR meeting held on the 3RD day of 2012 A.D.
Signed Shannon Greaves Title CITY CLERK
Print Name SHANNON GREAVES

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

Roll Call Vote:

Ayes: Alward, Hindman, Jungman, Mienk, Rowley

Nays: None
Absent: Caffrey, Crawford, Smith
Abstain: None

Comments

Mayor Winarski stated that there will be some adjustment on the Planning Commission appointments.

Mayor Winarski asked the Council Members to look at the streets that are in need of repair and come back with a list.

Council Member Jungman asked about the replacement of sidewalks. Mayor Winarski asked for the Council to also look at sidewalks that are in need of repair.

Dr. Bob Wenzel stated that there are sidewalk issues on West River Drive and Stickel Road.

Administrator Moffit stated that Annie Hibl passed away. Ken Hibl is the City Manager in Clare. The City of Gladwin sent a card.

There is a walk through at the Farmers Market project tomorrow and the Police Department project is moving along.

The Downtown Development Authority wants to convert the streetscape lights on Cedar Avenue over to LEDs. In the next couple of weeks, there will be a meeting about this.

Council Member Smith was seated at 5:13 p.m.

There will be a hydrant budget brought to the Council soon for approval. This will be for repairs and replacement.

Dr. Bob Wenzel stated that there have been problems with LED lights and the brightness of them in stoplights.

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

Meeting ended at 5:16 p.m.

Thomas L. Winarski, Mayor

Shannon Greaves, City Clerk