

December 16, 2013
Gladwin, Michigan

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

Present: Caffrey, Crawford, Hawblitzel, Jungman, Rowley,
Stout

Absent: Mienk, Smith

Staff Present: Bob Moffit, Kim Bruner, LaVel Smith

Also Present: Mayor Thomas L. Winarski, Doug Jacobson, Nancy Bodnar, Pastor Sprang, Dan Svetcos, Angela Bigham

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

Council Members Mienk and Smith were excused.

Minutes of the December 2, 2013 regular meeting were approved as presented.

Motion by Council Member Caffrey, supported by Council Rowley to approve Warrant #14-17 in the amount of \$34,279.69 and payroll for pay period ending December 8, 2013 in the amount of \$57,510.20. All ayes. Motion carried.

Hearing of Delegations

There were no Delegations to be heard.

Motion by Council Member Jungman, supported by Council Member Crawford to approve the agenda with the following addition: (c) Merit Pay Increase. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Rowley to approve the consent agenda as follows: Communications – (i) Gladwin County Road Commission Job Opening – Superintendent/Manager/Engineer/Manager; Meetings – Housing Commission – November 12, 2013, Downtown Development Authority – December 4, 2013, Fire Board – December 4, 2013, Well Head Protection Team – December 5, 2013, Arena Board – December 11, 2013, Airport Board – December 12, 2013. All ayes. Motion carried.

New Business

LOAN RESOLUTION
(Public Bodies)

A RESOLUTION OF THE CITY OF GLADWIN
OF THE CITY OF GLADWIN
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING
A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS
BACKHOE
FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the CITY OF GLADWIN
(Public Body)
(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of
\$30,000.00

pursuant to the provisions of PUBLIC ACT NO. 99 ; and

WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:

NOW THEREFORE in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (e)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0015. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

11. To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government.
12. To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.
13. To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.
14. That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:
 - (a) Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.
 - (b) Repairing or replacing short-lived assets.
 - (c) Making extensions or improvements to the facility.

Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.
15. To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.
16. To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.
17. To accept a grant in an amount not to exceed \$ _____ 0 _____

under the terms offered by the Government; that the MAYOR
 and CLERK
 of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).

The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee

The vote was: Yeas _____ Nays _____ Absent _____

IN WITNESS WHEREOF, the Gladwin City Council of the
 CITY OF GLADWIN has duly adopted this resolution and caused it
 to be executed by the officers below in duplicate on this 16TH day of December, 2013

(SEAL)

Shannon Greau
 CITY CLERK
 Title

By Thomas Dwinski
 Title MAYOR

RESOLUTION
TO APPROVE A RECOMMENDATION FOR THE CITY OF GLADWIN TO
EXEMPT ITSELF FROM THE PROVISIONS OF PUBLIC ACT 152 OF 2011

RESOLVED, that the City of Gladwin by 2/3 vote of its governing body does hereby exercise its option to exempt itself for the next succeeding year from the provisions of Public Act 152 of 2011 as provided under Section 8(1) of the Act for our Plan Year 2014.

The foregoing resolution was offered by Council Member Rowley and supported by Council Member Stout.

ROLL CALL VOTE:

Ayes: Caffrey, Crawford, Hawblitzel, Jungman, Rowley, Stout

Nays: None

Absent: Mienk, Smith

Abstain: None

Resolution declared adopted this 16th day of December, 2013.

Motion by Rowley, supported by Stout to add a 1½% pay increase for all non-union employees, including an increase in employee health care contributions from 7% to 9%, with the stipulation that the City Administrator may withhold the pay increase for up to ninety days but would also not increase the health care contribution. All ayes. Motion carried.

Comments

Council Member Stout stated information regarding the MML meeting that she attended.

Council Member Caffrey stated that there will be a potluck at the Airport on December 19th at 5:00 p.m. Everyone is welcome.

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

Meeting ended at 5:32 p.m.

Thomas L. Winarski, Mayor

Kimberly Bruner, Deputy City Clerk