

February 4, 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: Alward, Caffrey, Crawford, Jungman, Mienk, Rowley, Smith

Absent: Hindman

Staff Present: Bob Moffit, Kim Bruner

Also Present: Mayor Thomas Winarski, Attorney Douglas Jacobson, Nancy Bodnar, Commissioner Terry Walters, Dan Svetcos, Lauren Essenmacher, and Pastor Amstutz

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

The minutes of the January 21, 2013 meeting were approved as presented.

Motion by Council Member Alward, supported by Council Member Jungman, to approve Warrant #13-021 in the amount of \$122,708.77, Warrant #13-022 in the amount of \$26,334.91 and payroll for pay period ending January 20, 2013 in the amount of \$50,148.13. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Alward, to establish the agenda. All ayes. Motion carried.

Motion by Council Member Crawford, supported by Council Member Alward to approve the consent agenda as follows: Communications –Administrator’s Update, State of Michigan – Bureau of Construction Codes, Consumers Energy Company – Case #U-17133, Arden Shell – D&W Fine Pack, ISO Report, Notice of Public Hearing – 2013 Through 2017 Road Construction Program – Gladwin County: Meetings – Planning Commission – January 22, 2013, Parks Commission – January 30, 2013, Wellhead Protection Team – January 31, 2013. All ayes. Motion carried.

#### Hearing of Delegations

County Commissioner Terry Walters stated that Bill Mason will be the new Equalization director and that the County is considering hiring Neil Hammerbacher as the Financial Administrator for the County. Commissioner Walters stated that the FEMA maps are done and have been sent to Chicago to be printed.

Housing Commission Director Lauren Essenmacher stated that they are going to redo the parking lot at Antler Arms; Maple Manor has a new fire pump and new intercom system. The 20 units the Housing Commission maintains will be getting updates. HUD has cut their funding from \$120,000 down to \$66,000 for renovations.

### New Business

Motion by Council Member Caffrey, supported by Council Member Rowley, to allow the City to sell the 8x66 piece of the alley for \$1.00 a square foot for the new Dollar General construction with the City retaining easement for utilities. All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Council Member Alward, to allow Administrator Moffit to work with Rowe Engineering regarding curbs and storm drain improvements on Chatterton Street . All ayes. Motion carried.

The attached resolution was offered by Council Member Jungman, and supported by Council Member Alward:

PERFORMANCE RESOLUTION FOR  
GOVERNMENTAL AGENCIES  
(Parade Permits)

Roll Call Vote:

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

### Comments

Mayor Winarski stated that the legislative Breakfast will be this Friday at 7:00 a.m. in Edenville with Representative Joel Johnson. The Mayor will be meeting on March 13<sup>th</sup> at 7:00 p.m. at City Hall with participants of the community garden regarding fencing and soil preparation

Council Member Jungman stated that they have a committee for the Amphitheatre renovations.

Administrator Moffit would like to remind everyone of the budget workshop February 12<sup>th</sup> at 5:00 p.m., Would like to Thank the DPW crew for all of their help on Chatterton Street.

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

Meeting ended at 5:19 p.m.

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Thomas L. Winarski, Mayor

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Kim Bruner, Deputy City Clerk

**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 motion 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 AND KIMBERLY BRUNER, DEPUTY CITY CLERK		
DUANE BEAN, 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

of the CITY OF GLADWIN (Name of Board, etc) of GLADWIN COUNTY  
(Name of GOVERNMENTAL AGENCY) (County)

at a REGULAR meeting held on the 4TH day of

2013      A.D.

Signed \_\_\_\_\_ Title DEPUTY CITY CLERK

Print Name KIMBERLY BRUNER