

February 15, 2016
Gladwin, Michigan

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

Present: Jungman, Mienk, Bodnar, Caffrey, Stout, Crawford, Smith

Absent: Gardner

Staff Present: Moffit, Klein

Also Present: Thomas Winarski, Terry Walters, Doug Jacobson, Pastor Brad Withrow, Dan Svetcos, Cherri Swanstra Mid-Michigan Community Action Agency

Mayor Winarski led the Pledge of Allegiance and Pastor Withrow gave the Invocation.

Minutes of February 1, 2016 were approved with correction of: Motion by Council Member Crawford, supported by Council Member Jungman to approve the Consent Agenda.

Motion by Council Member Stout, supported by Council Member Mienk to approve warrant #16-023 in the amount of \$ 38,233.40 and payroll for the period ending 1/31/2016 in the amount of \$ 51,765.01. All ayes. Motion carried.

Hearings of Delegations:

Terry Walters – He stated that there had been a flood at courthouse last Thursday. A sprinkler system line in the entry had frozen and cracked. It caused flooding in the basement, took out the phone system and the elevator. The Courthouse was closed on Friday due to the flooding as well. The phone system is back up but the elevator repairs are delayed while waiting for parts. Terry went over the Headlee Amendment proposal and what reductions the County has already undertaken. The County has been able to use funds not from the General Fund to cover the cost of some items, like the painting in the Courthouse has been done by staff members and repair cost were covered by the funds received from the clear cutting of land in Sage Township

Thomas Winarski thinks the Headlee Amendment will be restored. His concern is once the money from Headlee is received and it will be used up with the bringing back of personnel to quickly. Walters stated that the personnel to be reinstated if the Headlee Amendment passes will be limited to maintenance & public safety. Terry Walters also said that there is a need to increase security at the courthouse. Due to the climate we live in and the increase in threats, especially in Friend of the Court, more security is needed.

Dee Jungman asked the question: is animal control office person going to stay part-time? Terry Walters answered: that yes the Animal Shelter will remain staffed at the current level.

Cherri Swanstra of Mid-Michigan Community Action Agency gave an overview of the focus of the Agency's work. There is a heat assistance program for low income. There are discretionary funds available to help others that do not qualify assistance but have had an unforeseen circumstance's illness, accident, illness of a child where income is temporary lost and help is need for a one time coverage of heating costs. The money available for this type of help is received through the Walk for Warmth Fundraising efforts. Mid-Michigan Community Action Agency also helps the elderly, has a low income daycare and also a free Headstart preschool to transition children into kindergarten. For families with children between the ages of 0-3 years old there are 4 case workers that work with 30 families each.

Motion by Council Member Jungman, supported by Council Member Caffrey to establish the agenda with the addition of: g.) Approve bid from Bader & Sons Co. for Lawn Tractor Trade-in Program. All ayes. Motion carried.

Motion by Council Member Crawford, supported by Council Member Jungman to approve the Consent Agenda: Communication: i.) Mid-Michigan Community Action Agency – Walk for Warmth ii.) State of Michigan Notice of Hearing – Consumers Energy Case No. U-18010 iii.) MiWorks EMV Chip Credit Card Presentation Meetings: i.) Housing Commission – January 12, 2016 ii.) Personnel & Finance – February 1, 2016 iii.) Fire Board – February 3, 2016 iv.) Arena Board – February 9, 2016 v.) Airport Commission – February 11, 2016. All ayes. Motion Carried.

Old Business:

None.

New Business:

<p>Michigan Department of Transportation 22078 (10/14)</p> <p style="text-align: center;">PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES</p> <p style="text-align: right;">Page 1 of 2</p> <p><i>This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipality 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."</i></p> <p>RESOLVED WHEREAS, the <u>City of Gladwin</u> (city, village, township, etc.)</p> <p>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;</p> <p>NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:</p> <ol style="list-style-type: none"> 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. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor 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 by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY. 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. 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. 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. 	<p>MDOT 22078 (10/14)</p> <p style="text-align: right;">Page 2 of 2</p> <ol style="list-style-type: none"> 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. 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. <p>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.</p> <p>NAME AND/OR TITLE <u>Bonnie S. Klein City Clerk</u> <u>Chris Wentz DPW Supervisor</u> <u>Robert Moffitt City Administrator</u></p> <hr/> <p>I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the <u>City Council</u> (Name of Board, etc.) of the <u>City of Gladwin</u> of <u>Gladwin</u> (NAME OF GOVERNMENTAL AGENCY) (County)</p> <p>at a <u>Regular</u> meeting held on the <u>15</u> day of <u>February</u> A.D. <u>2016</u></p> <p>SIGNATURE <u>Bonnie S. Klein</u> TITLE <u>City Clerk</u> PRINT NAME <u>Bonnie S. Klein</u></p>
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Motion by Council Member Crawford, supported by Council Member Mienk to approve the Performance Resolution for Governmental Agencies for the Annual Application and Permit for Miscellaneous Operations with State Highway Right of Way. Roll Call Ayes: Bodnar, Caffrey, Crawford, Jungman, Mienk, Smith, Stout Nays: None Absent: Gardner Motion carried.

Motion by Council Member Jungman, supported by Council Member Mienk to approve the bid from H2O Towers LLC to clean the exterior of the water tower for the amount of \$ 4,550.00. All ayes. Motion carried.

Motion by Council Member Smith, supported by Council Member Stout to approve the proposal from Dixon Engineering for interior cleaning and inspection of the water tower for the amount of \$ 2,500.00. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Mienk to approve the proposal from Lapham Associates for Trail and Trailhead Design and Engineering for the amount of \$16,900.00, to be paid from general fund All ayes. Motion carried.

Motion by Council Member Caffrey, supported by Mienk to approve the appointment of Election Inspectors for March 8, 2016 election and the combining of the precincts into one precinct for the May 3, 2016 RESD Special Election. All ayes. Motion Carried

Motion by Council Member Crawford, supported by Council Member Mienk to transfer \$60,000 from Municipal Road Fund to Major Road Fund. All ayes. Motion carried.

Motion by Council Member Jungman, supported by Council Member Smith to approve the proposal for Bader & Sons Co for the lawn tractor swap, 2 tractors for the DPW & 1 for the Park, in the amount of \$6,500.00. All ayes. Motion carried.

Comments:

Thomas Winarski – Stated that he has only received four Administrator evaluations. The others need to be in tomorrow and that there are no concerns.

Mike Smith – Frozen Affair tickets are now on sale. The Frozen Affair takes place in April and is the major fund raiser for the Arena.

Dee Jungman – She stated again that the Frozen Affair is April 9th. The cost is \$75 per couple or \$40 for a single ticket. The menu is swiss steak, potatoes, green beans and dessert. Jim Volant will be the Master of Ceremony. He will be dressed as Olaf. There are many items to be given away.

Lori Stout – She stated she is working on the Easter Egg Hunt, the Super Challenge on March 5th and April 23rd is the Pheasant Forever Banquet.

John Caffrey – He stated that at the Fireman's Banquet James Guezman was named Fire Fighter of the Year. John will be going to the Airport Conference this week.

Doug Jacobson – He stated that the State's Gag Order has been halted by a Federal District Court judge's injunction because the court sited it as a restraint to the freedom of speech. Last Tuesday at the State of the Community address at Mid Michigan Community College those who attended were mostly representatives of the respective communities asked to speak and very few general public attendees. The speakers mostly highlighted what projects had been accomplished in their respective communities. Thomas Winarski took a different focus. His focus was on the long serving people of our community and especially on the City Council members.

Thomas Winarski – When the City has people serving on the Council consistently for many years it helps the Council to become of a common mind. When a project takes more than a couple years, for example: the stop light at M-61 and M-18 then the continuity of the council is most valuable. The M-61 & M-18 stop light project took over 10 years to be approved by MDOT. Thomas acknowledged Tom Mienk & Dee Jungman for being on the Council for 27years each he also recognized Nancy Bodnar as one of our newest member, serving 2 years.

Robert Moffit – He stated that he appreciates the board and all the hard work they do. He stated that he had received an email that M-18 will be redone in Midland County starting in February. Robert stated he will be having minor surgery and will be out about 2 weeks, if you need to get a hold of him please text or call his cell phone.

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

Meeting adjourned at 5:43 p.m.

Thomas Winarski, Mayor

Bonnie S. Klein, City Clerk