

January 3, 2017
Gladwin, Michigan

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

Present: Stout, Bodnar, Caffrey, Smith, Gardner, Crawford, Mienk, Persky

Absent: None

Staff Present: Robert Moffit, Bonnie Klein, Bernadette Weaver

Also Present: Mayor Darlene Jungman, Terry Walters (County Commissioner), Kelly Gower, Dan Svetcos,

Mayor Jungman led the Pledge of Allegiance and gave the Invocation.

Minutes of December 19, 2016 were approved as presented.

Motion by Council Member Mienk, supported by Council Member Caffrey to approve warrant #17-018 in the amount of \$60,903.38 and warrant #17-019 in the amount \$8,766.52 and payroll for the period ending December 18, 2016 in the amount of \$58,992.81. All ayes. Motion carried.

Hearing of Delegations

Terry Walters – Stated that the County Commissioners are working hard on the budget but are still at a deficit. The Commissioners are asking that each department reduce costs by 10%. They are hoping not to cut from the 100 employees, Terry Walters stated that he is remaining as the Board Chairman and Sandra Aultman has agreed to be Vice-Chair. The Commissioners have trimmed as much fat as possible, but there is still a \$700,000 deficit to have a balanced budget.

Kelly Gower – Stated she is trying to get back into the swing of things and will be trying to attend regularly.

Motion by Council Caffrey, supported by Council Member Gardner to establish the agenda. All ayes. Motion carried.

Motion by Council Member Crawford, supported by Council Persky to approve the Consent Agenda Communications: i.) Business After Hours Invitation – Burkhart – Presidio Insurance ii.) Administrator Updates Meetings: None

Old Business

None

New Business

Motion by Council Member Gardner, supported by Council Member Crawford to approve the Scheduling of a Joint Meeting between the City Council, Planning Commission, Parks Commission, and the Downtown Development Authority Chair and Vice Chair on March 28, 2017 at 5:15 p.m. at City Hall.

Motion by Council Member Caffrey, supported by Council Member Smith to approve the bid from Shull Transport for the demolition of 900 and 910 North State St. for the amount of \$10,975.00 this includes the demolition permit. The demolition is to be completed by May 15, 2017. All ayes. Motion carried.

Resolution MDOT Annual Construction

Motion by Council Member Crawford, supported by Council Member Stout to put forth the Performance Resolution for Governmental Agencies, as it appears below.

Roll Call Vote:

Ayes: Bodnar, Caffrey, Crawford, Gardner, Mienk, Persky, Smith, Stout

Nayes: None

Absent: None

Abstain: None

Michigan Department
Of Transportation
2207B (12/16)

PERFORMANCE RESOLUTION FOR GOVERNMENTAL AGENCIES

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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 utilities 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. If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. 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 the DEPARTMENT'S 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.
4. 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.

5. 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.
6. With respect to any activities authorized by a 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.
7. 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.
8. 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 provided 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.

Title and/or Name: _____

Robert Moffit, City Administrator _____

Bonnie S. Klein, City Clerk _____

Chris Wentz, DPW Supervisor _____

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the Gladwin City Council

(Name of Board, etc)

of the City of Gladwin

(Name of GOVERNMENTAL AGENCY)

of Gladwin

(County)

at a Regular meeting held on the 3rd day

of January, A.D. 2017.

Signed _____

Title City Clerk

Comments

Mayor Darlene Jungman – Roger Gardner will be having shoulder surgery next week. She also announced that Kathy Wilton's husband Bob Wilton passed away. Keep both of these members of the community in your thoughts and prayers. Dee also announced that the next Coffee with a Cop will be Wednesday, Jan 11th at 8:30 a.m. at McDonald's.

John Caffrey – Stated that the construction for the T-Hangers at the Airport will be in 2018 instead of 2017.

Mike Smith - Thanked Roger Gardner because without any prior notice he was able to arrange for Santa to visit with 30 foster children.

Roger Gardner – Warned everyone that his wife had received a scam call. The callers stated that Roger qualified for an elbow, a knee and a back brace through Medicare and all that was need was Roger's Social Security number and credit card number. Roger

wanted everyone to know that this scam is being run in our area and to warn family and friends about it. Roger also stated that he is receiving two City newsletters. Clerk Bonnie Klein stated she will look into it. We do not want to be duplicating costs.

Robert Moffit – Stated that the grant application should be completed in about 8 weeks. He announced that next week January 11th, at 6:00 p.m. there will be a Bike Path meeting here at City Hall. The Trail Authority is in need of local financial support. The Trail Authority will be applying for funding from the Midland Foundation and having local funding will show that the community is behind the trail project. The priority right now for the City is for Iron Filtration Grant. Letters have been sent to businesses requesting support of plant.

Bernadette Weaver – A Public Hearing will be held on Monday, January 24th at 5:15 p.m. for vacation of a portion of Beech St. The property has a large storm water drain and this will make a sewer easement necessary. Because this property is along the water a Vacation of Street request must go before the Circuit Court. There will also be a review of the site plan for Horizons Assisted Living for a second standalone building, Beacon and Bridge site plan. Bernadette also stated she has had several questions of why we need a new water treatment plant. It needs to be made clear that the Iron Removal Plant is to treat our drinking water not for the waste water.

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

Meeting adjourned at 5:23 p.m.

Darlene Jungman, Mayor

Bonnie S. Klein, City Clerk