

January 07, 2019

Gladwin, Michigan

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

Present: Bodnar, Caffrey, Crawford, Darlington, Gardner, Smith, Winarski

Absent: Kile

Staff Present: Chris Shannon, Kim Bruner, Bernie Weaver, Joe Frey

Also Present: Mayor Dee Jungman, Pastor Withrow, Ron Taylor, Lori Stout

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

Accepted the minutes from the December 17, 2018 for the regular City Council meeting as presented.

Motion by Council Member Darlington, seconded by Council Member Gardner to approve warrant #19-018 in the amount of \$107,907.63, payroll for the period ending December 16, 2018 in the amount of \$51,602.39, payroll for the period ending December 30, 2018 in the amount of \$60,998.18, and warrant #19-019 in the amount of \$202,799.47. All ayes. Motion carried.

Hearing of Delegations:

County Commissioner Ron Taylor was here to introduce himself as the new commissioner representative for the City of Gladwin and Sage Township, he stated he will attend the meeting monthly and if he is needed at any other time to please contact him. The County is currently working on the budget and moving forward.

Motion by Council Member Gardner, seconded by Council Member Caffrey to approve the agenda. All ayes. Motion carried.

Motion by Council Member Caffrey, seconded by Council Member Crawford to approve the Consent Agenda as follows: Communications: i.) Business After Hours – Graff's, ii.) Library November Statistics, iii.) DeVere & Carole Denning, iv.) ISO – Public Protection Classification Survey, v.) Waste Management, vi.) Chamber of Commerce – Legislative Breakfast, vii.) Administrator Update. Meetings: i.) Gladwin City Housing Commission Meeting – December 11, 2018, ii.) Gladwin County Commissioners Meeting – December 11, 2018, iii.) Gladwin Airport Commission Meeting – December 13, 2018, iv.) Personnel/Finance Committee Meeting – December 17, 2018, v.) Safety Committee Meeting – December 19, 2018. All ayes. Motion carried.

Public Comment:

Joe Frey from Rising Tide – there will be a steering committee meeting on Thursday, January 10th at 9:00 a.m. at the Gladwin Library. On Tuesday, January 15th there will be a branding committee meeting at 3:30 p.m. at Beaverton Activity Center, they will be designing a new logo.

New Business:

Motion by Council Member Darlington, seconded by Council Member Caffrey to adopt the Council Committee Procedure with the addition - If a committee seat becomes vacant for any reason prior to the Mayor's normal appointments, a member may be appointed and seated upon council approval effective immediately through the end of the term. All ayes. Motion carried.

Council Committee Procedure

Whereas the Mayor of the City of Gladwin has the power and authority to appoint Council Members to different committees with concurrence from the City Council.

(Article VI section 6.2.2. The Mayor is a non-voting member of the Council and shall preside at all meetings of the Council. The Mayor shall appoint the members of all Council committees, except as otherwise provided herein, and shall be an ex officio member of each Committee without a vote. The Mayor shall not have the power to veto.)

Whereas these appointments would begin on January 1 of the following year and expire after a two (2) year minimum term unless the committee by-laws state differently.

If a committee seat becomes vacant for any reason prior to the Mayor's normal appointments, a member may be appointed and seated upon council approval effective immediately through the end of the term.

Now therefore, be it resolved that the above Policy was adopted by the City Council.

Upon this 7th day of January 2019 in accordance with Section 6.2.2 of the City Charter of the City of Gladwin.

**RESOLUTION
PERSONS AUTHORIZED TO CARRY ON BANK BUSINESS**

WHEREAS, it has become necessary to change the persons authorized to act for and on behalf of the City of Gladwin in any of its business with the bank and any other financial institution.

BE IT RESOLVED, that the following persons are so authorized to act for and on behalf of the City of Gladwin effective January 8, 2019:

Mayor	Darlene Jungman
Mayor Pro-tem	John Caffrey
City Administrator	Christopher Shannon
City Clerk	Kimberly Bruner
City Treasurer	Bonnie S. Klein

BE IT FURTHER RESOLVED, that the City Clerk and City Administrator are hereby authorized to execute any additional paperwork required by the bank or other financial institution to facilitate these changes.

The foregoing resolution was offered by Council Member Caffrey and supported by Council Member Gardner.

Roll Call Vote:

Ayes: Bodnar, Caffrey, Crawford, Darlington, Gardner, Smith, Winarski
Nays: None
Absent: Kile
Abstain: None

Resolution declared adopted this the 7th day of January, 2019.

Kimberly Bruner, City Clerk

CERTIFICATE

I, Kimberly Bruner, Deputy Clerk of the City of Gladwin, do hereby certify the foregoing to be a true and correct copy of the resolution adopted by the Gladwin City Council at a regular meeting held January 7, 2019 at 5:00 p.m.

Kimberly Bruner, City Clerk

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 Crawford and supported by Council Member Caffrey.

Roll Call Vote:

Ayes: Bodnar, Caffrey, Crawford, Darlington, Gardner, Smith, Winarski
Nays: None
Absent: Kile
Abstain: None

Resolution declared adopted this January 07, 2019

Kimberly Bruner, City Clerk

CERTIFICATE

I, Kimberly Bruner, City Clerk of the City of Gladwin, do hereby certify the foregoing to be a true and correct copy of the resolution adopted by the Gladwin City Council at a regular meeting held January 07, 2019

Kimberly Bruner, City Clerk

Motion by Council Member Darlington, seconded by Council Member Winarski to approve the MDOT Annual Performance for Resolution for Governmental Agencies. All ayes. Motion carried.

Michigan Department
Of Transportation
2207B (12/16)

**PERFORMANCE RESOLUTION
FOR GOVERNMENTAL AGENCIES**

Page 1 of 2

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, 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:

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

(Name of Board, etc.)

(Name of GOVERNMENTAL AGENCY) (County)

at a meeting held on the _____ day

of _____ A.D. _____.

Signed Title

Personnel-Finance Committee Recommendations:

Chairmen Caffrey went over the GAFT agreement and what was discussed and the new agreement would be from July 1, 2019 – June 30, 2020.

Motion by Council Member Caffrey, seconded by Council Member Bodnar to approve the GAFT agreement. All ayes. Motion carried.

Clerk Bruner discussed an email from Blue Cross Blue Shield of Michigan in regards to coverage and requested the Council to allow her to submit a letter on behalf of the City of Gladwin.

Motion by Council Member Caffrey, seconded by Council Member Gardner to approve Clerk Bruner to submit a letter to Blue Cross. All ayes. Motion carried.

Motion by Council Member Bodnar, seconded by Council Member Darlington to approve the Chief of Police contract with Option 2. 5 ayes, 2 nays. Motion carried.

Board Appointments:

Motion by Council Member Caffrey, seconded by Council Member Crawford to approve the appointment of Bernadette Weaver to the Housing Development Corporation replacing Rudy Bolz, term expiring on 12/2023. All ayes. Motion carried.

Motion by Council Member Smith, seconded by Council Member Darlington to appoint Council Member Winarski to the Safety Committee. All ayes. Motion carried.

Comments:

Mayor Jungman – Please be careful out on the roads.

Council Member Bodnar stated the library has hired a new director and looking forward to him coming on board.

Council Member Darlington stated that there was no Planning Commission meeting in December to report about and she attend her first Fire Board Meeting.

Council Member Gardner stated it looked nice downtown with the Community Building gone and would like to invite Administrator Shannon to the Parks Commission meeting on Monday, January 28th at 5:15 p.m.

Council Member Smith would like to thank Administrator Shannon for bringing up parliamentary procedure and making sure that we are staying on task.

Assessor Weaver state that the Joint meeting will be on March 26th at 5:15 p.m. here and the Planning Commission will be inviting the City Council, Parks and the DDA.

Administrator Shannon would like to thank the Council for allowing the overlap with Jack and for everything that Jack had done to help him get settled in.

Motion by Council Member Caffrey, seconded by Council Member Bodnar to adjourn. All ayes. Motion carried.

Meeting adjourned at 6:24 p.m.

Darlene Jungman, Mayor

Kimberly Bruner, City Clerk