

January 06, 2020

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, Darlington, Gardner, Kile, Smith, Winarski

Absent: Crawford

Staff Present: Christopher Shannon, Kimberly Bruner, Bernadette Weaver

Also Present: Mayor Dee Jungman, County Commissioner Ron Taylor, Pastor Brad Withrow, Kaitlin Thorne, Kelly Gower, Cristy Gutierrez, Teresa Nims, Becky Hodgins, Diane Kitts, LaVel Smith

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

Motion by Council Member Darlington, seconded by Council Member Gardner to approve the minutes of the December 16, 2019 regular City Council meeting with the correction to the minutes as follows – Motion by Council Member Crawford, seconded by Council Member Caffrey to approve the RCL Change order for a one-month extension. All ayes. Motion carried.

Motion by Council Member Caffrey, seconded by Council Member Gardner to approve warrant #20-018 in the amount of \$579,831.41, payroll ending 12/15/19 in the amount of \$58,915.09, payroll ending 12/30/19 in the amount of \$58,351.70, and warrant #20-019 in the amount of \$29,177.06. All ayes. Motion carried.

Hearing of Delegations:

Gladwin Community Schools Superintendent Rick Seebeck was present to inform everyone that there will be a proposal on the March election ballot regarding the schools. It is a millage increase for .2 mills that will not be an additional cost to the tax payers. He passed out literature for the proposal. Hope everyone gets out and votes yes as the funding will be used to put in new heating systems within the schools in the district.

County Commissioner Ron Taylor stated that the County adopted a new logo they did through the Chamber of Commerce and he will bring back a copy of it to the next meeting. The County currently in the process of purchasing the 4 dams at the East side of the County at 9.4 million dollars and within 2 years purchasing the electrical portion of it at another 6 million and are still hoping to maintain an assessment of \$350.00 to the property owners.

Motion by Council Member Winarski, seconded by Council Member Caffrey to approve the agenda with the addition under old business – Doug Scott from Rowe – Iron Removal Plant Update and under new business – Ken Talsma presentation of Audit. All ayes. Motion carried.

Motion by Council Member Caffrey, seconded by Council Member Gardner to approve the Consent Agenda as follows: Communications: i.) Chamber of Commerce – Legislative Breakfast Series, ii.) GBPA – Business After Hours, iii.) Consumers Energy – Case No. U-20650. Meetings: i.) Gladwin City Commission Meeting – November 12, 2019, ii.) Gladwin County Commissioners Meeting –

November 26, 2019, iii.) Gladwin County Trail Authority Meeting – December 12, 2019, iv.) Gladwin Airport Commission Meeting – December 12, 2019. All ayes. Motion carried.

Public Comment:

Cristy Gutierrez asked Council to really take a close look at the contract for the City Administrator as she reviewed it and there is a 14,000 dollar pay increase in actual pay per year on top of triple life insurance and a membership to civic club without any expect guidelines payable by the City of Gladwin and she would like to remind Council that at the executive session they do not have to make a decision but please review the contract and make sure that they want to give a 9 to 19 percent increase to the City Administrator after one year of service and feels it is huge.

Kaitlin Thorne from the Gladwin County Record stated that this is her last City Council meeting as she is moving down to Ohio and starting a new job down there on the 23<sup>rd</sup> so this is her last week at the paper and her replacement Max is a really nice guy and really looking forward to see how he does and she really enjoyed covering the City Council meetings as it was one of her favorite aspects of the job.

Old Business:

Doug Scott from Rowe Engineering wanted to go over a few different items and has brought forward change order number 5 for RCL Construction in the amount of 841.25 for utility connections and he brought through a handout regarding Rowe Engineering budget increase.

Much discussion on the Iron Removal Plant project, they will be finishing up in the next couple of weeks and hoping the system will be online within the next couple of months once the inspections are completed.

Motion by Council Member Smith, seconded by Council Member Caffrey to approve change order number 5 for RCL Construction in the amount of \$841.25. All ayes. Motion carried.

Motion by Council Darlington, seconded by Council Member Gardner to approve an additional \$22,000.00 for project representative services. 7 ayes, 1 nay. Motion carried.

New Business:

Ken Talsma from Anderson Tackman was here to present the Audit, he gave out handout graphs for everyone to review and went page by page of them and stated that the City received one of the top achievements for an audit.

Motion by Council Member Darlington, seconded by Council Member Caffrey to accept the audit as presented. All ayes. Motion carried.

## BEING AN AMENDMENT TO AMEND SECTION 151.067 HOUSE NUMBERING OF THE GLADWIN CITY CODE OF ORDINANCE

NOW COMES the City of Gladwin, by its City Council, and hereby amends Section 151.067 House Numbering of the Gladwin City Code of Ordinances as follows:

### Section 1. Purpose

The City Council hereby determines that to provide proper police, fire, health, welfare and emergency services, public or private, to residences and businesses, it is necessary to provide for property identification numbers visible from the public roadways adjacent to residences and businesses in the city.

### Section 2. Amendment

**NOW THEREFORE**, be it resolved the Gladwin City Code of Ordinance of the City of Gladwin is amended as follows:

- (a) All property upon which houses, dwellings, buildings, mobile home, businesses and other such structures are constructed or located within the city shall be considered developed property and shall have property identification numbers which shall be posted on the face and/or other appropriate side of the house, dwelling, business or structure in a manner and location so that the identification numbers are clearly and readily readable to a person of normal vision from the adjacent roadway. House trailers shall have an individual space identification number at least three (3) inches in height on the side of the trailer facing the access road. The operator of the trailer park shall be responsible for assigning such numbers. If the house, dwelling, house trailer, business or structure is located on the property so that the posted numbers are not clearly readable from the roadway, due to distance or intervening sight barriers such as, but not limited to, shrubbery, terrain features or structures, the identification number shall also be posted separate from the main structure (i.e. on a yard light post, entrance gate, driveway marker, mailbox, etc.) in a fashion that is clearly readable from the adjacent roadway. Such additional identification numbers shall be either located centrally between the side boundaries of the property or located immediately adjacent to the driveway providing ingress to the property, and shall be located on the same side of the adjacent roadway as the property it identifies.
- (b) The property identification number or address shall use numbers not less than three (3) inches in height. If the dwelling, house trailer, building, business or structure is located more than ninety (90) feet from the centerline of the traveled portion of the adjacent roadway, the identifying numbers shall be not less than six (6) inches in height, but in any case such numbers shall be of a size sufficiently large so that they are readable from the centerline of the adjacent roadway by a person of normal vision.
- (c) The color of the numbers shall be in contrast with the immediate background on which they are mounted.
- (d) In the case of multiple units, either business or residential it shall be clearly indicated at each entrance the property identification numbers of those apartments or businesses accessible through such entrance. The purpose of this identification is to facilitate the rapid movement of emergency units to a specific apartment or business unit in apartment buildings or business complexes which have multiple

entrances bearing the same number and series of such units that are not accessible except through a specific entrance.

- (e) The occupants of all buildings in the city used for commercial and/or industrial purposes that are connected with or located so close to other buildings as to prevent access between such buildings and which requires a different route of access to the rear than that to the front of the building shall cause the correct business name and street numbers to be placed on the rear entrance door or immediately adjacent thereto. Such names and numbers shall be not less than three (3) nor more than six (6) inches in height, and may consist of standard manufactured letters and/or numerals. If painted on the building or door such names and numbers shall be applied with standard-type numeral and letter stencil. The name and number shall be placed as to be plainly visible and readable from the alley, service drive, easement, parking lot or any other rear access.
- (f) A uniform design and construction of property identification numbers, using a green background with reflective numerals, may be approved by the City Administrator, and signs which conform to such approved design and construction shall be considered to comply with the requirements of Subsection (e).

**ADDRESS ASSIGNMENT** – The Building Official of the County of Gladwin shall have the authority and be responsible for the assignment of addresses to any building lot or property, on a uniform basis.

**NEW CONSTRUCTION** – All applicants for building permits for new construction or alterations of residences or businesses or other such structures shall be required to attach a property identification number within thirty (30) days of completed construction.

**RESPONSIBILITY FOR COMPLIANCE** – The owner, occupant, lessee or other person in control of any developed property shall each be responsible for identifying such property in compliance with this article.

### Section 3. SEVERABILITY

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any Court of competent jurisdiction hold any section, term, provision or clause void/or invalid, all remaining sections, terms, provisions or clauses not held void and/or invalid shall continue in force and effect.

### Section 4. REPEALER

All ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

### Section 5. EFFECTIVE DATE

This ordinance shall take effect thirty days following publication.

### Section 6. PENALTY

A violation of this Ordinance shall be punishable as provided in Code Section 10.99.

The foregoing ordinance was offered by Council Member Caffrey and seconded by Council Member Kile.

Roll Call Vote:

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

This ordinance adopted this 6th day of January, 2020.

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Darlene Jungman, Mayor

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Kimberly Bruner, City Clerk

Mayor Jungman stated that she would like to reappointment Council Member Bodnar to the Election Commission again and would like to remove Council Member Caffrey from the Personnel/Finance Commission and make it only a three (3) member committee.

Motion by Council Member Caffrey, seconded by Council Member Kile to approve the Mayor's recommendations. All ayes. Motion carried.

Motion by Council Member Kile, seconded by Council Member Gardner to approve the adoption of the Parks & Recreation five (5) year plan. All ayes. Motion carried.

**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 Caffrey and supported by Council Member Smith.

Roll Call Vote:

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

Resolution declared adopted this January 06, 2020

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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 06, 2020

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Kimberly Bruner, City Clerk

Motion by Council Member Kile, seconded by Council Member Darlington to approve the performance resolution for governmental agencies. All ayes. Motion carried.

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 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 R 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: \_\_\_\_\_

Christopher Shannon, City Administrator      Kimberly Bruner, City Clerk

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Tom Molski, DPW Supervisor                      Doug Scott, (City Engineer) Rowe Professional

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Services Karen SeKrenes, Utility Billing Clerk

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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 City Council                      meeting held on the      6      day

of January                      A.D. 2020

Motion by Council Member Kile, seconded by Council Member Caffrey to schedule the Joint Meeting for March 24, 2020 at 5:15 p.m. All ayes. Motion carried.

Administrator Shannon requested an executive session to discuss his employee contract.

Motion by Council Member Gardner, seconded by Council Member Smith close the regular meeting to go into executive session at 6:11 p.m.

Roll call – Bodnar – yes, Caffrey – yes, Darlington – yes, Gardner – yes, Kile – yes, Smith – yes, Winarski – yes.

Motion by Council Member Kile, seconded by Council Member Caffrey to go back into regular session at 7:30 p.m.

Roll call – Bodnar – yes, Caffrey – yes, Darlington – yes, Gardner – yes, Kile – yes, Smith – yes, Winarski – yes.

Comments:

Mayor Jungman stated the Cedar River Steering Committee are working on getting trees out of the River from the City Park to Beaverton to help make the river more accessible to people utilizing the river.

Council Member Winarski would like to give her condolences to the families who have suffered loss of the young men the community has loss.

Council Member Kile would like to remind everyone that this month is mentor month so if you can please get involved. She would also like to congratulate Clerk Bruner on her new job.

Council Member Bodnar stated that she is going to miss Clerk Bruner and would like to wish her good luck and is concerned about the amount of turn over the City has had.



Council Member Smith would like to congratulate Clerk Bruner on her new job.

Council Member Gardner would like to congratulate Clerk Bruner and stated that we need to look into a policy as the chain of command on contacting the City Attorney.

Council Member Darlington would like to wish Clerk Bruner good luck.

Administrator Shannon stated the City has had a young man here through the Michigan works program and it has worked out well. Farmers Market expansion project has went out for bid and it is only for the expansion the historical village portion will be done at a later date. He stated he will contact the Attorney to see about working on a policy and he will be gone at the end of this month from the 29<sup>th</sup> through the 31<sup>st</sup> to an MME conference.

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

Meeting adjourned at 7:54 p.m.

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Darlene Jungman, Mayor

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Kimberly Bruner, City Clerk