

August 6, 2018

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, Kile

Absent: None

Staff Present: Jack Abernathy, Kim Bruner, Bernie Weaver

Also Present: Mayor Dee Jungman, Pastor Brandon Dorsey, Attorney Doug Jacobson, County Commissioner Terry Walters, Dan Svectos, Heather Arnold, Jill Reynolds, Brandon Hodgins, Becky Hodgins, Bill Trahan

The Pledge of Allegiance was led by Mayor Jungman and the invocation was given by Pastor Dorsey.

Accepted the minutes from the July 16, 2018 for the regular City Council meeting as presented.

Motion by Council Member Caffrey, seconded by Council Member Gardner to approve warrant #19-003 in the amount of \$336,450.47, and payroll for the period ending July 15, 2018 in the amount of \$58,753.48, warrant #19-004 in the amount of \$288,226.51. All ayes. Motion carried.

Hearing of Delegations:

County Commissioner Walters stated that the County updated their EMS contract and there will now be 2 EMS stationed at the Gladwin Fire Department and 1 at the Beaverton Fire Department, last year there were around 400 EMS calls made. He would also like to remind everyone that tomorrow was the election and to go out and vote and good luck to everyone who was on the ballot.

Jill Reynolds from Waste Management was here to discuss the increase in cost to residents for recycling, the increase would be .59 per customer each month and would make the amount \$7.08 for the year for each resident. Jill brought handouts for everyone to look over and spoke about how China will no longer accept recycling as of January 1<sup>st</sup> from the U.S. She would like to get out more information to residents about the recycling program to help increase the recycling program.

Motion by Council Member Darlington, seconded by Council Member Gardner to approve the agenda with the following additions – item i. City Administrator Salary recommendation from Personnel/Finance Committee, item j. DLD proposal for HHW. All ayes. Motion carried.

Motion by Council Member Caffrey, seconded by Council Member Crawford to approve the Consent Agenda as follows: Communications: i.) Charter Communications – Channel Additions, ii.) Region VII Area Agency on Aging, iii.) MML Annual Meeting Notice, iv.) Department of Treasury – 2018 AMAR Review, v.) Utility Billing Update, vi.) Administrator Update. Meetings: i.) Gladwin City Housing Commission – July 10, 2018, ii.) Gladwin City Board of Review – July 17, 2018, iii.) Gladwin County Trail Authority –

July 18, 2018, iv.) Parks Commission Meeting – July 23, 2018, v.) Personnel/Finance Committee Meeting – July 24, 2018, vi.) Planning Commission Meeting – July 25, 2018, vii.) Wellhead Protection Team Meeting – July 30, 2018. All ayes. Motion carried.

Old Business:

Brandon & Becky Hodgins were here to ask the City Council to grant them the usage of space in the City parking lot off Grout Street for their smoker when they have pop-ups at their store to be able to cook the meat they serve. Much discussion was had regarding this.

Motion by Council Member Caffrey, seconded by Council Member Smith to allow Pale Blue Barbeque the usage of the City parking space on a 6 month trial basis. All ayes. Motion carried.

It was also discussed to have planning commission create a policy for food trucks.

New Business:

Motion by Council Member Winarski, seconded by Council Member Smith to approve the Michigan Community Resolution of Intent for Participating in the National Flood Insurance Program.

Roll call vote:

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

## **MICHIGAN COMMUNITY RESOLUTION OF INTENT FOR PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM**

**WHEREAS**, certain land and water areas within the governmental boundaries of the City of Gladwin, in the County of Gladwin are subject to periodic flooding, mudslides, mudflows, or flood related erosion, causing serious damages to properties within these areas; and

**WHEREAS**, relief is available in the form of federally subsidized flood insurance, as authorized by the National Flood Insurance Act of 1968; and

**WHEREAS**, this community desires to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP); and

**WHEREAS**, this community has the legal authority to administer or has an agreement with another entity to administer the state construction code comprised of the Michigan Residential Code and the Michigan Building Code and its Appendices, specifically Appendix G, adopted pursuant to the Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, MCL 125.1501, et. seq. (Construction Code Act), and further has authority to adopt land use and control measures to reduce future flood losses pursuant to:

**WHEREAS**, the official administration and enforcement of the construction code act and state construction code within this community's political boundaries, MCL 125.1508b by the Gladwin County Building Department as this community's enforcing agency, will provide the means to implement and enforce an effective and competent floodplain management program, and

**WHEREAS**, this community or its enforcing agency is responsible for the submittal on the first anniversary date of the community's initial eligibility, a report to the Federal Insurance Administrator on the progress the community has made during its first year of participation, in the development and implementation of floodplain management measures, and thereafter, submit biennial reports as requested by the Administrator; and

**WHEREAS**, this community intends to recognize and duly evaluate flood, mudslide / mudflow and flood related erosion hazards in all official actions relating to land use in areas having these hazards within its jurisdiction; and

**NOW, THEREFORE BE IT RESOLVED**, that this community's governing body hereby:

- 1) Assures the FEMA that the construction code act and the state construction code is administered and enforced within its boundaries; it intends to identify and duly evaluate and enact as necessary, and maintain in force in those areas having flood, mudslide / mudflow, or flood related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, of the NFIP Regulations; and
- 2) Commits to vest with the community's floodplain management enforcing agency the responsibility to maintain for public inspection and to furnish, upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), any certificates of floodproofing, and information on elevation (in relation to mean sea level) to which the structure was floodproofed; and
- 3) Commits to take such other official action as may be reasonably necessary to carry out the objectives of the NFIP program; and
- 4) Commits, in its interactions with the Administrator, to:
  - a) Assist the Administrator at his/her request, in his/her delineation of the limits of the area having special flood, mudslide / mudflow, or flood related erosion areas.
  - b) Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, mudslide / mudflow, or flood related erosion areas.
  - c) Cooperate with federal, state, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudslide / mudflow, or flood related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide / mudflow, and/or flood related erosion areas in order to prevent aggravation of existing hazards.
  - d) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation, or the community has otherwise assumed

or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FHBMs and FIRMs accurately represent the community's boundaries, include within such modification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Adopted this 7th day of August 2018 by the City Council of the City of Gladwin, Michigan.

\_\_\_\_\_, 2018  
Darlene Jungman, Mayor of the City of Gladwin

\_\_\_\_\_, 2018  
Kimberly Bruner, Clerk of the City of Gladwin

Motion by Council Member Kile, Seconded by Council Member Crawford to adopted Ordinance #337 – Ordinance Addressing Floodplain Management Provisions of The State Construction Code.

Roll call vote:

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

## **Ordinance No. 337**

### **CITY OF GLADWIN**

#### **ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE**

An ordinance to designate an enforcing agency to discharge the responsibility of the City of Gladwin located in Gladwin County, Michigan and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The City of Gladwin ordains:

Section 1. AGENCY DESIGNATED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the County of Gladwin is hereby designated as the enforcing agency to discharge the responsibility of the City of Gladwin, Gladwin County, under Act 230, of the Public Acts of 1972 as amended, State of Michigan. The County of Gladwin assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

Section 2. CODE APPENDIX ENFORCED. Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Gladwin.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. As published in the Federal Register for the City of Gladwin Dated August 2, 2018. By reference for the purpose of administering the Michigan Construction Code, and declared to be a part of Section 1612.3. of the Michigan Building Code, and to provide the content of the "Flood Hazards" section of Table R301.2(1) of the Michigan Residential Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Adopted this 6th day of August, 2018 at a regular meeting of the Gladwin City Council and will become effective 30 days following publication in a newspaper of general, local circulation.

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Kimberly Bruner, City Clerk

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Darlene Jungman, Mayor

Motion by Council Member Darlington, seconded by Council Member Kile to approve the Michigan Community Resolution and Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program.

Roll call vote:

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

**MICHIGAN COMMUNITY RESOLUTION AND INTERGOVERNMENTAL**  
**AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT**  
**FOR THE NATIONAL FLOOD INSURANCE PROGRAM**

**Between The City of Gladwin and County of Gladwin**

**WHEREAS**, the City of Gladwin wishes to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

**WHEREAS**, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
  - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
  - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1.) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide / mudflow) related erosion areas having special hazards have been designated as Zone A, M, and / or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

**WHEREAS**, the Stille-Derossett-Hale Single State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

**WHEREAS**, by the action dates of this document the County of Gladwin agrees on behalf of the City of Gladwin to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all development within the City of Gladwin's political boundaries, and

**WHEREAS**, the City of Gladwin and the County of Gladwin enforce floodplain regulations of the construction code act, and the City of Gladwin wishes to ensure that the administration of that code complies with requirements of the NFIP, and

**THEREFORE**, to achieve eligibility and participation in the NFIP,

1. The City of Gladwin and County of Gladwin agree that the County of Gladwin's officially designated enforcing agency for the construction code act, the Gladwin County Building Inspector, be directed to administer, apply and enforce on the City of Gladwin's

behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations, by:

- a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with flooding potential, and
  - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
  - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the County of Gladwin shall implement the following applicable codes according to their terms:
    - i) Appropriate portions and referenced codes and standards of the current Michigan Residential Code.
    - ii) Appropriate portions and referenced codes and standards of the current Michigan Building Code.
    - iii) Appendix G of the current Michigan Building Code.
  - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
  - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
  - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
  - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. The City of Gladwin and the County of Gladwin assure the Federal Insurance Administrator that they intend to review, on an ongoing basis all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMS) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure the City of Gladwin's compliant participation in the program.
  3. The City of Gladwin further assures the Administrator of the Federal Insurance program that they will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs and / or the (FIRMS) by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

**FURTHER BE IT RESOLVED**, both communities declare their understanding that, until this resolution is rescinded or the City of Gladwin makes other provision to enforce the construction code act:

1. The County of Gladwin, by its appointed Building Official, must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and

2. For the City of Gladwin to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

Dated this 6<sup>th</sup> day of August, 2018

City of Gladwin

County of Gladwin

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Darlene Jungman, Mayor

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Terry Walters, Chairman-Co. Comm.

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Kimberly Bruner, Clerk

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Laura Brandon-Maveal, Co. Clerk

**RESOLUTION  
DESHANO DEVELOPMENT CORPORATION LOT SPLIT**

**WHEREAS**, the City of Gladwin has received a request from DeShano Development Corporation to split an existing parcel; and

**WHEREAS**, the Planning Commission reviewed the request at their July 24, 2018 meeting and recommends approval of the request.

**NOW, THEREFORE BE IT RESOLVED** that two splits and new legal descriptions comprised of:

**Parcel 1: Retained by Village North, LDAA LP**

Part of the NE ¼ of the SW ¼ of Section 36, T19N, R2W, City of Gladwin, Gladwin County, Michigan. More Particularly described as follows: Commencing at the interior ¼ corner of said Section 36; Thence South 200 feet; Thence West 316 feet; Thence North 20 feet; Thence West 126.49 feet; Thence South 40 feet; Thence West 90 feet; Thence North 170 feet; Thence East 10 feet; Thence North 50 feet to the East-West ¼ line; Thence 522.5 feet to the point of beginning.

**Parcel 2: Retained by Gary DeShano**

Part of the NE ¼ of the SW ¼ of Section 36, T19N, R2W, City of Gladwin, Gladwin County, Michigan, more particularly described as follows: Commencing at the interior ¼ corner of said Section 36; Thence West 522.5 feet to the point of beginning; Thence South 50 feet; Thence West 10 feet; Thence South 170 feet; Thence East 90 feet; Thence South 385 feet; Thence West 284.71 feet; Thence North 605 feet; Thence 204.7 Feet to the point of beginning.

**Easement to Village North for entrance drive and parking**

Part of the NE ¼ of the SW ¼ of Section 36, T19N, R2W, City of Gladwin, Gladwin County, Michigan, more particularly described as follows: Commencing at the interior ¼ corner of said Section 36; Thence West 522.5 feet to the point of beginning; Thence South 50 feet; Thence West 10; Thence South 170 feet; Thence West 50 feet; Thence North 220 feet; Thence East 60 feet back to the point of beginning.

be approved.

The foregoing resolution was offered by Council Member Caffrey, supported by Council Member Kile.

Roll Call Vote:

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

Resolution declared adopted this 6th day of August, 2018.

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Kimberly Bruner, City Clerk

**CERTIFICATE**

I, Kimberly Bruner, 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 August 6, 2018.

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Kimberly Bruner, City Clerk

Drafted By: Kimberly Bruner  
1000 West Cedar Avenue  
Gladwin, Michigan 48624

Bill Trahan representing Credit Michigan Community Credit Union presented a conceptual parking plan which would occupy a portion of Cedar Court right a way.

Motion by Council Member Caffrey, seconded by Council Member Kile to allow the Administrator and zoning administrator to explore possible use agreement with the Credit Union. It is the understanding that following the draft of the agreement the plan will be forwarded to the planning commission for review. All ayes. Motion carried.

Motion by Council Member Smith, seconded by Council Member Winarski to table item e. – City Attorney – Personnel/Finance Recommendation until the next Council meeting.

**RESOLUTION  
CITY OF GLADWIN  
REMOVAL OF DELINQUENT PERSONAL PROPERTY TAX 2006 – 2007**

**WHEREASE**, the Gladwin City Council desires to remove delinquent personal property taxes from the tax rolls of Summer and Winter of 2006 and 2007 by way of a motion to the Circuit Court of the County of Gladwin.

**NOW, THEREFORE BE IT RESOLVED**, by the Gladwin City Council, of Gladwin County, Michigan to remove the following parcel from the Summer and Winter Tax Rolls of 2006 and 2007:

<b>SUMMER 2006</b>		
170-900-000-000-17	EDM RESOURSCES	\$403.69
170-900-000-091-04	TLC RESEARCH COMPANY	\$14.89
<b>WINTER 2006</b>		
170-900-000-000-17	EDM RESOURCES	\$433.18
170-900-000-091-04	TLC RESEARCH COMPANY	\$15.94
<b>SUMMER 2007</b>		
170-900-000-016-11	CHINA GARDEN	\$196.43
170-900-000-091-04	TLC RESEARCH COMPANY	\$15.57
<b>WINTER 2007</b>		
170-900-000-003-03	AMERICAN MESSAGING SERVICES LLC	\$62.43
170-900-000-016-11	CHINA GARDEN	\$191.98
170-900-000-091-04	TLC RESEARCH COMPANY	\$15.17

The foregoing resolution was offered by Council Member Smith and seconded by Council Member Winarski.

Roll Call Vote:

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

Resolution declared adopted this August 6, 2018

\_\_\_\_\_  
Kimberly Bruner, City Clerk

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 August 6, 2018

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Kimberly Bruner, City Clerk

Assessor Weaver provided a copy of a sample resolution from the Michigan Township Association in regards to changes in Assessing that have been proposed in House Bill 6049. She encourages everyone to contact their State Representative and State Senator to vote this bill down and would like the City to submit a resolution not supporting the House bill 6049.

Motion by Council Member Caffrey, seconded by Council member Winarski to appoint the following:

Wellhead Protection Team – Kyle Grove to replace Dick Lauer  
Parks Commission – Ed Brinsma

Motion by Council Member Darlington, seconded by Council Member Smith to approve the Personnel/Finance Committees recommendation to advertise the Administrator salary \$65,000 - \$75,000 depending on qualifications. All ayes. Motion carried.

Motion by Council Member Darlington, seconded by Council Member Gardner to accept the DLD quote for the Household Hazardous Waste day. All ayes. Motion carried.

Comments:

Mayor Jungman – Wanted to remind everyone to please get out and vote. The Rising Tide meeting went well and wanted to thank Tara Dutcher for the excellent job she has done with the RESD kids in the City Park.

Council Member Smith – Stated the Rising Tide will be meeting with the governor at the Riverwalk place on August 24<sup>th</sup>.

Council Member Gardner – Would like to Thank everyone for the plant, and stated the pancake breakfast at the Airport had a great turnout and they sold out.

Council Member Darlington – Stated the planning commission had a meeting regarding electronic signs. The Planning/zoning workshop with Doug Piggot will be on August 16<sup>th</sup> and currently have 43 people signed up.

Council Member Winarksi – Had questions about the amount of Businesses with past due utility bills.

Council Member Bodnar – questioning why the water bills are taking so long to be delivered and want to invite everyone to the cedar river clean up on August 22<sup>nd</sup>. They will begin at the Chappel Dam and work their way down to the City Park.

Council Member Caffrey – Airport fuels sales have been really good they have already had to purchase more fuel since the purchase in June.

Clerk Bruner – Would like to remind everyone about the election tomorrow and that voting will take place at the Community Center from 7:00 a.m. to 8:00 p.m.

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

Meeting adjourned at 7:00 p.m.

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Darlene Jungman, Mayor

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Kimberly Bruner, City Clerk