

February 5, 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: Winarski, Kile, Bodnar, Caffrey, Crawford, Gardner, Smith

Absent: Darlington

Staff Present: Administrator Robert Moffit, Clerk Bonnie Klein, Assessor Bernadette Weaver.

Also Present: Mayor Dee Jungman, City Attorney Doug Jacobson, Pastor Joe Dorais, Kelly Gower, Rep Jason Wentworth,

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

Motion by Council Member Kile, seconded Council Member Bodnar to accept the minutes from the regular City Council meeting held on January 15, 2018 for as presented. All ayes. Motion carried.

Motion by Council Member Gardner, seconded by Council Member Bodnar to approve warrant #18-021 in the amount of \$236,662.07 and payroll for the period ending January 14, 2018 in the amount of \$53,853.22 and payroll for the period ending January 29, 2018 in the amount of \$55,725.73 and warrant #18-022 in the amount of \$79760.38. All ayes. Motion carried.

Hearing of Delegations:

Mayor Jungman welcomed State Representative Jason Wentworth to the City Council Meeting.

Representative Jason Wentworth - Thanked the City Council and staff for having a great line of communication with his office. He appreciated hearing from his constituents. Jason gave an update on a project he is working on sponsoring a foster care event on Sunday, February 11, 2018 at Riverwalk from 2:00 to 4:00 p.m. to give people an opportunity to learn about foster care. This is for families in Clare, Gladwin and Arenac counties. Currently kids are having to be placed a minimum 75 miles away. Jason is expecting at least 250 at the event. Families and kids who have been or currently in the Foster Care System will be relaying their story of what foster care has done for them. Representative Wentworth will be putting forth a bill to appropriate grant funding for veteran support services. It was designed to help counties to increase or have funding available to retain veteran affairs directors. Each county will receive a lump sum but each county will need to keep in place existing funding levels for veteran support.

Doug Jacobson – Stated there is a great need for foster families and introduced Council Member Mike Smith to Representative Wentworth and that he is a DHHS worker who understands the need for local foster care workers.

Mike Smith – Commented that DHHS is losing foster families at a faster pace than they are gaining them. Making it much harder to place children locally in hopes of reuniting them with their families more difficult.

Motion by Council Member Caffrey, seconded by Council Member Crawford to establish the agenda with the addition of e.) Approval of Rowe Professional Services invoice in the amount of \$8,227.50 and f.) Approval of MDEQ invoice for the amount of \$3,650.00 for Groundwater permit and g.) Acceptance of Retirement letter from Robert Moffit. All ayes. Motion carried.

Motion by Council Member Caffrey, seconded by Council Member Gardner to approve the Consent Agenda: Communications: i.) State of Michigan – Notice of Hearing – Consumers Energy Case U-18411 ii.) Utility Bill Past Due Notice Information iii.) Library Board of Trustees Meeting Calendar 2018 iv.) Business After Hours – Northern Espresso Meetings: i.) Housing Commission – January 4, 2018 ii.) Airport Commission – January 11, 2018 iii.) Parks Commission – January 22, 2018 iv.) Planning Commission – January 23, 2018. All ayes. Motion carried.

Old Business:

Sidewalks

Doug Jacobson – Stated that on the table is the draft of the sidewalk snow and ice removal letter to be used as a template. It will need to be determined who will be in charge of executing the program. He suggested that sidewalks be placed on the City Council in June for further outlining the program.

Robert Moffit – Stated that the blight officer would be handling the sidewalk clearing program.

Motion by Council Member Kile, seconded by Council Member Bodnar to approve the sale of Parcel #170-631-300-019-01 Gladwin City Sec. 31 19-1 W W ½ of SE ¼ of SW ¼, which is a vacant 20 acre m/l parcel located on First St, east of the M18 intersection to Cypress Creek Renewables for the amount of \$6250 per acre pursuant to the purchase agreement and that the City Clerk, City Administrator and/or Mayor have authority to execute said agreement on behalf of the City of Gladwin. All ayes. Motion carried.

Doug Jacobson – Stated there are many factors that may impede the final sale of the property. The State government has put forth legislation to impose a 30% tariff on solar panels. These are the type of things that may impede completion of the sale.

Motion by Council Member Smith, seconded Council Member Crawford to approve a \$6,000 budget amendment to cover the cost of the street light project on Clendening Road to be carried out by Consumers Energy. The line trimming crew of Consumers Power will be taking care of all tree trimming. The lights are to be installed mid block for better lighting for walking or bicycles, there will be 10 lights that are consistent with what is presently on Clendening Road. All ayes. Motion carried.

New Business:

Motion by Council Member Caffrey, seconded by Council Member Gardner to put forth the following resolution.

Roll Call:

Ayes: Smith, Winarski, Bodnar, Caffrey, Crawford, Gardner, Kile

Nays: None

Absent: Darlington

Abstained: None

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:

<u>Robert Moffit, City Administrator</u>	<u>Bonnie Klein, City Clerk</u>
<u>Kimberly Bruner, Deputy Clerk</u>	<u>Doug Scott, (City Engineer) Rowe Professional Services</u>
<u>Chris Wentz, DPW Supervisor</u>	<u>Thomas Molski, Temporary DPW Supervisor</u>

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 5th day

of February A.D. 2018.

Signed _____ Title _____

Motion by Council Member Kile, seconded by Council Member Bodnar to approve the appointment of John Clayton to the Housing Development Corporation with a term ending December 31, 2022. All ayes. Motion carried.

Motion by Council Member Caffrey, seconded by Council Member Crawford to approve Robert Moffit accepting the appointment by the County of Gladwin to the LPT (Local Planning Team) with a term ending December 31, 2019. All ayes. Motion carried.

Motion by Council Member Crawford, seconded by Council Member Bodnar to approve proposal by Lapham Associates for the Trailhead and trail engineering, DEQ permits and bid documents in the amount of \$5,000.00 to \$7,500.00. A budget amendment will be necessary to major street fund. Six (6) Ayes, One (1) Nay. Motion carried.

Motion by Council Member Winarski, seconded by Council Member Caffrey to approve the Rowe Professional Services invoice of \$8,227.50 for the engineering charges for South Arcade St. from Cedar Ave. to Grout St. Cost will be split between Downtown Development Authority and Sewer Fund. All ayes. Motion carried.

Motion by Council Member Caffrey, seconded by Council Member Crawford to approve the MDEQ invoice for the Groundwater Permit for the Wastewater Treatment Plant in the amount of \$3,650.00. All ayes. Motion carried.

Motion by Council Member Crawford, seconded by Council Member Gardner to accept and approve with regret, the request for retirement of City Administrator Robert Moffit effective July 5, 2018. All ayes. Motion carried.

Comments:

Mayor Dee Jungman – Thanked State Representative Jason Wentworth for coming to the City Council meeting.

Sarah Kile – Stated that February 11th is 211 day and shared the statistics for how 211 helps our community. Sarah attended the Emergency Management meeting and it was stated that there should be a representative from City at these meetings.

Nancy Bodnar – Stated that in the meeting packet is the Library meeting schedule. The February meeting shall be at the Beaverton Activity Center (BAC). There are over 6,000 users of the two branches and over 4,000 internet users.

Mike Smith – Thanked Rep. Jason Wentworth for the work he is doing to highlight the need of foster care families. He stated that the next legislative breakfast, with be on Friday, February 9th at the Knights of Columbus Hall at 7:30 a.m.

Robert Moffit – Stated he has been with the City for over 12 and one half years and thanked everyone for his time here. He stated he can be called to come in and help as needed. He thanked the council for his many years here.

Dave Crawford – Stated it is with regret the City accepts Robert's announcement of his retirement.

Doug Jacobson – Stated he has a few State legislative updates. The state is looking for ways to encourage recycling, so there will be an increase in the tip fee to \$4/ cubic yard taken to the landfill. This is to improve recycling. There are about 3 million cubic yards put in the states landfills and about 20% comes from Canada and out of state.

At 6:52 p.m. Council Member Crawford stepped out of meeting and returned and 6:53 p.m.

Bernadette Weaver – Stated that the Planning Commission Joint meeting will be February 27th. The Capital Improvement Plan will be discussed. Bernadette gave a progress report of the Planning Commission. There will be a administrative review of the former Chemical Bank property at the corner of Townsend St. and Cedar Ave. and Ace Hardware on State Street is looking at a facelift. There is a class offered in Gaylord to Council Members to encourage leaders to understand how assessing works.

Robert Moffit – Stated he appreciates all that Jason Wentworth and Roger Gardner do to keep veteran issues to the fore front and for all the help they give. He stated he will be taking the following Fridays off, February 9th and 16th.

Linda Winarski – Requested that the Utility Billing Delinquent Account Report to have more detail.

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

Meeting adjourned at 5:58 p.m.

Darlene Jungman, Mayor

Bonnie S. Klein, City Clerk