



**GAYLORD CITY COUNCIL  
AGENDA FOR MEETING OF JUNE 11, 2012  
7:00 P.M., CITY COUNCIL CHAMBERS  
305 EAST MAIN STREET  
GAYLORD MI 49735**

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Corrections, Deletions or Amendments to Agenda
6. Approval of Minutes
7. Public Hearings
8. Communications
9. Mayor's Report
10. Council Member's Report
11. City Manager's Report
12. City Attorney's Report
13. Chief of Police Report
14. City Clerk's Report
15. City Treasurer's Report
16. DPW Superintendent's Report
17. DDA Executive Director's Report
18. County Liaison's Report
19. Chamber of Commerce Report
20. Public Comment by Citizens

**A. UNFINISHED BUSINESS:**

**B. NEW BUSINESS:**

1. Amendment to Zoning Ordinance, Zoning Board of Appeals, First Reading
2. Purchase of Service Time, Sgt. Troy Huff
3. Award Bid for Demolition of 133 North Illinois Avenue
4. VFW Post #1518, Request for Charitable Solicitation Permit
5. Approval of Expenditures

Planning Commission Resolution  
Recommending Adoption of Ordinance Amendment  
June 6, 2012

Motion by Deming, supported by Wishart, that following the conclusion of the required Public Hearing that the City of Gaylord Planning Commission does hereby recommend to the City Council that the proposed amendment to the City of Gaylord Zoning Ordinance Code, Section 16, Zoning Board of Appeals, be adopted as presented, upon clarification of Paragraph 1 as to intent of the provision is reviewed by the City Attorney.

Ayes: Unanimous. Motion carried.

## **XVI. SECTION 16. ZONING BOARD OF APPEALS.**

The Gaylord City Council shall serve as the Zoning Board of Appeals which is hereby created. The City Council while serving as the Zoning Board of Appeals shall perform its duties and exercise its powers as provided and in compliance with MCL 125.3601 through MCL 125.3607, as amended, and by the provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, health, and general welfare secured and substantial justice done.

1. The Gaylord City Council may establish rules to govern its procedures as a zoning board of appeals. A member of the Zoning Board of Appeals shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the City Council. However, the member may consider and vote on other unrelated matters involving the same property.
2. The Zoning Board of Appeals shall conduct its meetings, whenever possible, at the same time as the regular City Council Meetings. All meetings shall be open to the public and conducted in accordance with the Open Meetings Act. The Zoning Board of Appeals shall keep minutes of its proceedings, including a record of the vote of each member on each action and such minutes shall be public records.
3. Powers and Duties: The Zoning Board of Appeals shall have the following powers:
  - a. The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps. The Zoning Board of Appeals shall also hear and decide on matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under this Zoning Ordinance. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the zoning ordinance.
  - b. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the Zoning Board of Appeals is required to pass under this zoning ordinance, or to grant a variance in the zoning ordinance, all except as hereinafter otherwise provided.
4. Appeals:
  - a. An appeal to the Zoning Board of Appeals may be taken by a person aggrieved by a decision or determination of an officer, department, board or administrative official of the City. In addition, a variance in the zoning ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 P.A. 87, MCL 213.54, and as

provided under MCL 125.3101 et seq. The Zoning Board of Appeals shall state the grounds for any determination made by it.

- b. An appeal under this section shall be taken within fourteen (14) days after the rendition, in writing, of the decision or determination being appealed. Such appeal shall be taken by the filing with the officer or body from whom the appeal is taken specifying the grounds for the appeal. The body or officer from whom the appeal is taken, shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.
- c. An appeal under this section stays all proceedings in furtherance of the action appealed unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause eminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application and notice to the officer or body from whom the appeal is taken and on due cause being shown.
- d. Following receipt of a written request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as provided in MCL 125.3103.
- e. If the Zoning Board of Appeals receives a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the Zoning Board of Appeals shall conduct a public hearing on the request. Notice shall be given as required under MCL 125.3103. However, if the request does not involve a specific parcel of property, notice need only be published as provided in MCL 125.3103(1) and given to the person making the request as provided in MCL 125.3103(3).
- f. At a hearing under the foregoing section, a party may appear personally or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed and may issue or direct the issuance of a permit.
- g. If there are practical difficulties in the way of carrying out the strict letter of the zoning ordinance for nonuse variances as provided in subsection i., below or unnecessary hardship for use variances as provided in subsection j., below, the Zoning Board of Appeals may grant a variance in accordance with this section, so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. When granting any variance the Zoning Board of Appeals may impose such conditions as the Zoning Board of Appeals determines to be reasonable and necessary to preserve, to the extent possible, the objectives of this Ordinance and consistent with public safety, health, general welfare and substantial justice.

- h. The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alterations of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse related standard in the ordinance.
- i. In determining nonuse variances the Zoning Board of Appeals shall consider the practical difficulties that will be encountered if strict compliance with the terms of the zoning ordinance is required, whether the practical difficulties are created by the applicant, whether there are reasonable alternatives to the variance, and whether the spirit and intent of the zoning ordinance will be essentially preserved.
- j. The Zoning Board of Appeals shall only grant a variance from uses of land prescribed under the zoning ordinance when the applicant demonstrates unnecessary hardship and the Zoning Board of Appeals finds on the basis of substantial evidence that:
  - i. The subject property cannot reasonably be used in a manner consistent with the zoning ordinance;
  - ii. The landowner's plight is due to unique circumstances and not to general conditions in the neighborhood that may reflect the unreasonableness of the current zoning;
  - iii. The use to be authorized by the variance will not alter the essential character of the given locality or neighborhood; and
  - iv. The hardship is not the result of applicant's own actions.
- k. The concurring vote of five (5) members of the Zoning Board of Appeals is required to approve a use variance.

5. Decision:

- a. The Zoning Board of Appeals shall render its decision within a reasonable time after the meeting at which the appeal is considered. The Zoning Board of Appeals may adjourn a hearing for a reasonable time for reasons stated on the record.
- b. The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court of Otsego County as provided in MCL 125.3606.

### **MERS Years of Service Purchase Resolution, Troy Huff**

As provided by the MERS Plan Document, and in accordance with the Employer's policy there under, the additional credited service described is hereby granted this Member by Resolution of the Governing Body of Gaylord, City of, at its meeting on June 11, 2012. The Employer understands this is an estimated cost, calculated using actuarial assumptions approved by the Retirement Board. Any difference between the assumptions and actual experience will affect the true cost of the additional service. For example, changes in benefit programs through adoption or transfer of the affected employee to a division with "better" benefits; increases in wages other than 4.5% per year; and changes to the anticipated date of termination, will affect the actual cost of the additional service (increase or decrease). Thus, actual future events and experience may result in changes different than those assumed, and liability different than that estimated. The Employer understands and agrees that it is accountable for any difference between estimated and actual costs.

\_\_\_\_\_  
Signature of Authorized Official from Gaylord, City of

\_\_\_\_\_  
Date

PUBLIC NOTICE  
CITY OF GAYLORD

The City of Gaylord is soliciting bids for the demolition of a residential structure located at 133 North Illinois Avenue in the City of Gaylord. Work is to include the removal of all structures, footings, foundations and the leveling of the site to a level grade. Contractor will be required to provide fill, topsoil and restoration with seeding of all disturbed areas. The Contractor will coordinate the disconnection of all natural gas, electrical, water, sewer and other utility connections on the property. Contractor will be required to obtain all permits associated with the demolition or termination of utility connections. Work is to be completed within thirty (30) days from the date the bid is awarded, anticipated to be June 11, 2012.

Bids are to be received by 2:00 p.m. on Thursday, June 7, 2012, in the Gaylord City Office, located in the Gaylord City Hall, 305 East Main Street, Gaylord, Michigan. All bids must be submitted in a sealed envelope marked "Demolition Bid". For further information contact Rebecca Curtis, City Clerk or Joseph Duff, City Manager at (989) 732-4060,

The City of Gaylord reserves the right to accept or reject any and all bids in the best interest of the City.

Rebecca Curtis  
City Clerk

**DEMOLITION OF BUILDING, 133 NORTH ILLINOIS AVENUE**  
**BID TABULATION**  
**JUNE 7, 2012**  
**2:00 P.M.**

1. O'Rourke Excavating Inc. 8450 O'Rourke Blvd. Vanderbilt (Removal of footings & crawl, confirmed basement removal)	\$9,300
2. Wcisel Construction Inc. P.O. Box 61 Gaylord (Demolish, remove, backfill basement)	\$9,775
3. F&F Excavating LLC 5517 Old 27 South Gaylord (Fill basement) (Basement removal)	\$6,000 \$10,000
4. North Central Excavating, Inc. P.O. Box 415 Gaylord (Remove foundations & slab)	\$11,000
5. Earthworks Enterprises Inc. 5584 East M-32 Gaylord (Footings, foundations)	\$11,750
6. Harbor Springs Excavating, Inc. 1084 McBride Park Drive Harbor Springs (Full excavation & basement removal, Permits not included)	\$13,608.05



SOLICITORS, PEDDLERS, TRANSIENT TRADERS  
AND CHARITABLE SOLICITATIONS APPLICATION

DATE: JUNE 6, 2012

APPLICANT NAME: RALPH HOLEWINSKI VFW POST #1518

DESCRIPTION OF APPLICANT: VETERANS OF FOREIGN WARS OF THE UNITED STATES OF AMERICA MEMBER, DANIEL J GALBRAITH

PERMANENT NAME, ADDRESS AND COMPLETE LOCAL ADDRESS OF APPLICANT AND SUPERVISOR:

VFW MEMBER DANIEL J GALBRAITH, P.O. BOX 1255, GAYLORD MI 49734  
COMMANDER, JOHN FACCHINETTI, 257 OLD STATE RD, GAYLORD MI 49735

Telephone No. DAN GALBRAITH (989) 732-5775 JOHN FACCHINETTI (989) 350-2631

DESCRIPTION OF BUSINESS AND GOODS/SERVICES TO BE SOLD:

NA, VFW NON-PROFIT ORGANIZATION, MEMBERS AT LOCATIONS FOR POPPY DONATIONS

Date: 6-28-12, 6-29-12, 6-30-12 Time: 8:00 AM to 8:00 PM

LOCATION(S):

WALMART, K-MART, TRACTOR SUPPLY, JAYS SPORTING GOODS, GLEN'S MARKET

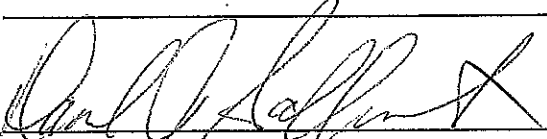
REFERENCES: (AT LEAST TWO (2) RECORDED, RELIABLE PROPERTY OWNERS IN OTSEGO COUNTY)


NAME: RALPH GALBRAITH  
ADDRESS: 1818 MARTINDALE  
GAYLORD MI 49735

NAME: IRENE LATUSZEK  
ADDRESS: 438 CHESTER RD  
GAYLORD MI 49735

STATE METHOD TO BE USED TO CONDUCT SALES:

MEMBERS AT ABOVE LOCATIONS FOR POPPY DONATIONS

  
SIGNATURE OF APPLICANT

  
WITNESS  
RUTHANN M. GALBRAITH

APPROVED/DISAPPROVED:

CHIEF OF POLICE

DATE: \_\_\_\_\_

**EXPENDITURES**  
**JUNE 11, 2012**

<u>VENDOR</u> <u>NAME</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
87-A DISTRICT COURT	PD LEIN LINE FEE	437.50
ADVANCE ELECTRIC INC.	PAVILION SUPPLIES	914.03
AMERICAN WASTE - ARROW	SANITATION SERVICE CITY HALL	81.00
AMERICAN WASTE - ARROW	2012 SPRING CLEAN UP	17,644.50
BELLEROC TIRE/GAYLORD 058	MOTOR POOL MAINTENANCE	73.00
BROADMOOR PRODUCTS INC.	WWT PLANT SUPPLIES	4,021.70
C2AE	WATER RELIABILITY STUDY	79.90
C2AE	2012 STREET PROJECT	1,730.00
C2AE	MCCOY & LASENORITA/PROJECT COST UPDATE	362.95
CENTURY LINK	TELEPHONE EXPENSE	13.23
CITY OF GAYLORD	PD/DDA EXPENSE	13.08
CITY OF GAYLORD	FREEL PARK	20.68
CITY OF GAYLORD	DOUMAS PARK	20.68
CITY OF GAYLORD	EDELWEISS VILLAGE PARKWAY	1.85
CITY OF GAYLORD	IDC PARK ENTRANCE	4.97
CITY OF GAYLORD	DDA RESTROOMS	20.68
CITY OF GAYLORD	GAYLORD INDUSTRIAL PARK	1.91
CITY OF GAYLORD	FAIRVIEW CEMETERY	4.97
CITY OF GAYLORD	DPW	54.96
CITY OF GAYLORD	GATEWAY TO GAYLORD	3.93
CITY OF GAYLORD	GATEWAY TO GAYLORD	3.93
CITY OF GAYLORD	GATEWAY TO GAYLORD	3.93
CITY OF GAYLORD	CLAUDE SHANNON PARK	4.97
CITY OF GAYLORD	CITY HALL	44.98
CITY OF GAYLORD	HALE PARK	4.97
COALTON HUFF	MOTOR POOL MAINTENANCE	250.00
COMMERCIAL CONTROL SYSTEMS INC	CITY HALL MAINTENANCE	1,630.00
CONSUMERS ENERGY	715 NORTH OTSEGO WELL	937.12
CONSUMERS ENERGY	1265 NORTH OHIO FAIRVIEW CEMETERY	18.43
CONSUMERS ENERGY	701 NORTH HAZEL AVENUE WELL	431.50
CONSUMERS ENERGY	499 FAIRVIEW ROAD WATER TOWER	29.47
CONSUMERS ENERGY	1100 NORTH OHIO FAIRVIEW CEMETERY	19.04
CONSUMERS ENERGY	323 EAST HURON FREEL PARK	25.07
CONSUMERS ENERGY	518 SOUTH MAPLE AVENUE DOUMAS PARK	14.33
CONSUMERS ENERGY	126 WEST MAIN STREET STREETLIGHTS	451.25
CONSUMERS ENERGY	306 WEST SECOND STREET HALE PARK	38.07
CONSUMERS ENERGY	133 SOUTH COURT AVENUE PAVILION	17.20
CONSUMERS ENERGY	607 SOUTH CENTER AVENUE WATER HOUSE	20.05
CONSUMERS ENERGY	123 SOUTH COURT AVENUE PAVILION	116.31
CONSUMERS ENERGY	102 EAST SEVENTH STREET DPW	463.96
CONSUMERS ENERGY	113 NORTH WISCONSIN STREETLIGHTS	122.91

CONSUMERS ENERGY	100 SOUTH WISCONSIN AVENUE STREETLIGHTS	279.96
CONSUMERS ENERGY	520 EDELWEISS VILLAGE PARKWAY STREETLIGHTS	122.80
CONSUMERS ENERGY	715 DICKERSON ROAD LIFT STATION	77.48
CONSUMERS ENERGY	185 SOUTH CENTER AVENUE STREETLIGHTS	288.51
CONSUMERS ENERGY	1136 DICKERSON ROAD WELL	1,312.76
CONSUMERS ENERGY	1440 DICKERSON ROAD IDC PARK ENTRANCE	36.23
CONSUMERS ENERGY	STREET LIGHTS	4,719.56
CONSUMERS ENERGY	TRAFFIC LIGHTS	1,401.19
CONSUMERS ENERGY	500 EAST SEVENTH STREET WWT PLANT	9,129.53
CONSUMERS ENERGY	1520 MILBOCKER ROAD LIFT STATION	111.04.
CRA PAYMENT CENTER	MOTOR POOL PARTS	193.19
CRA PAYMENT CENTER	MOTOR POOL PARTS	301.66
CUMMINS BRIDGEWAY LLC	MOTOR POOL PARTS	56.37
CUMMINS BRIDGEWAY LLC	MOTOR POOL PARTS	72.79
CUMMINS BRIDGEWAY LLC	WWT REPAIR PART	22.02
DELAGE LANDEN	COPY MACHINE EXPENSE	522.59
DORNBOS SIGN & SAFETY INC.	SIGNS/T/B REIM BY AIRPORT	100.01
DTE ENERGY	MEIJER DRIVE LIFT STATION	53.82
DUNN'S OFFICE SUPPLY & MACHINE	OFFICE/CITY HALL SUPPLIES	567.06
ELLSWORTH FARMERS EXCHANGE	PARK SUPPLIES	91.80
ELLSWORTH FARMERS EXCHANGE	ELK CARE SUPPLIES	178.00
ELLSWORTH FARMERS EXCHANGE	DOWNTOWN MAINTENANCE SUPPLIES	31.75
ELLSWORTH FARMERS EXCHANGE	ELK CARE SUPPLIES	19.00
EVERETT GOODRICH TRUCKING INC.	COLD PATCH	680.00
FEENY	MOTOR POOL MAINTENANCE	261.05
FIRST NATIONAL BANK OMAHA	CITY MGR EXPENSE	48.17
FIRST NATIONAL BANK OMAHA	PD/COUNCIL EXPENSE	98.17
FISHER SCIENTIFIC	WWT PLANT SUPPLIES	696.47
FRONTIER	CITY HALL ELEVATOR	111.36
FRONTIER	MCVANNEL PUMP STATION	95.37
FRONTIER	HIDDEN VALLEY LIFT STATION	27.50
FRONTIER	CITY HALL TELEPHONE EXPENSE	450.23
FRONTIER	DPW TELEPHONE EXPENSE	63.56
GASLIGHT MEDIA	INTERNET EXPENSE	59.95
GAYLORD FEED & GRAIN	WWT SUPPLIES	17.78
GAYLORD FORD LINCOLN-MERCURY	MOTOR POOL PARTS	295.88
GILL-ROY'S COMPLETE HARDWARE	WATER/WWT/MOTOR POOL SUPPLIES	102.50
GINOP SALES INC	MOTOR POOL PARTS	108.58
GORDON FOOD SERVICE INC	DPW SUPPLIES	174.44
GREAT LAKES ENERGY	LIFT STATION, TRAFFIC LIGHT, STREETLIGHTS	908.32
GREAT LAKES PIPE & SUPPLY	CEMETERY/WWT PLANT SUPPLIES	113.49
HAGGARD'S INC.	CITY HALL MAINTENANCE	350.64
I-2000 INC.	WWT/DPW INTERNET EXPENSE	59.90
J & N INC.	MCCOY ROAD WATER SERVICE	11,318.50
J & N INC.	LASENORITA WATER LINE	10,997.29
JACK DOHENY SUPPLIES INC	MOTOR POOL PARTS	375.97
JACK DOHENY SUPPLIES INC	MOTOR POOL PARTS	1,463.00

JIM'S ALPINE AUTOMOTIVE	MOTOR POOL PARTS	169.01
JOHNSON OIL COMPANY OF GAYLORD	MOTOR POOL FUEL	2,985.15
JOHNSON OIL COMPANY OF GAYLORD	MOTOR POOL FUEL	1,758.35
KIRKPATRICK & DUBOIS PLC	LEGAL FEES	3,807.05
LAPPAN'S OF GAYLORD INC.	MOTOR POOL PARTS/PARK SUPPLIES	113.20
LEE'S ALPINE FENCE	ELK FENCE REPAIR	1,119.77
LIVE VIEW GPS INC	POLICE DEPT OPERATING SUPPLY	479.40
LOWE'S		199.24
MARCOR TECHNOLOGIES LLC	INTERNET EXPENSE	50.00
MAURER'S TEXTILE RENTAL SERVICE INC	CITY HALL MATS	91.72
METTLER-TOLEDO INC	WWT PLANT MAINTENANCE	362.50
MEYER ACE HARDWARE	DDA/WWT SUPPLIES	184.88
MI LOCAL GOVERNMENT MANAGEMENT	MEMBERSHIP DUES	110.00
MORNING STAR PUBLISHING CO	WATER QUALITY REPORT	138.79
MUFFLER MAN	MOTOR POOL MAINTENANCE	157.05
NEW CENTURY SIGNS	ELK/DOWNTOWN SIGNS	297.00
NORTH CENTRAL EXCAVATING	PETTIBONE - CITY HALL MAINTENANCE	75.00
NORTHERN FIRE & SAFETY	PD - FIRE EXTINGUISHER SERVICE	62.00
NORTHERN MICHIGAN REVIEW INC.	PUBLISHING EXPENSE	165.00
OMH MEDICAL GROUP & MEDCARE WALK	ZIELINSKI MDOT PHYSICAL	70.00
PAK MAIL CENTER	POSTAGE - DPW	16.77
PAK MAIL CENTER	WWTP POSTAGE	69.37
PROFESSIONAL ID CARDS INC.	POLICE DEPT SUPPLIES	15.15
PSI PRINTING SYSTEMS INC	OFFICE SUPPLIES	178.27
RESIDEX/TURFGRASS	CEMETERY SUPPLIES	148.92
SCIENTIFIC	MOTOR POOL SUPPLIES	33.36
SERVPRO	DPW MAINTENANCE	1,055.00
SMALL ENGINE SERVICE	MOTOR POOL SUPPLIES	16.95
SPARTAN SEWER AND SEPTIC	FAIRVIEW/ASPEN PARK	240.00
SQUEAKY CLEAN	CITY HALL MAINTENANCE	545.00
STANDARD ELECTRIC COMPANY	WWT PLANT /PARK/CEMETERY SUPPLIES	40.93
STATE ELECTRONICS	MOTOR POOL PARTS	198.50
STATE OF MICHIGAN - MDOT	TRAFFIC SIGNAL MAINTENANCE	307.70
TODD SHARRARD	REIMBURSEMENT FOR SEWER BACKUP	1,839.88
UPPER LAKES TIRE DIST INC.	MOTOR POOL PARTS	54.00
WASH-N-GO MANAGEMENT INC	MOTOR POOL MAINTENANCE	55.00
WOLVERINE POWER SYSTEMS	CITY HALL MAINTENANCE	504.08
XEROX CORPORATION	POLICE DEPT COPIER EXPENSE	160.90
	<b>TOTAL</b>	<b>\$96,484.10</b>