

October 28, 2024

Mayor Sharrard opened the regular meeting of the Gaylord City Council with a prayer by councilmember Ouellette at 7:00PM on Monday, October 28, 2024. The Pledge of Allegiance to the Flag of the United State of America followed the invocation. The meeting was held in the City Council Chambers, located at City Hall, 305 East Main Street, Gaylord, Michigan.

Members Present: Sharrard, Awrey, Ouellette, Jaques, Wilson and Ryan

Motion by Ouellette, supported by Jaques to dispense with the reading of the minutes from the October 14, 2024 meeting and accept them as presented.

Ayes: Unanimous. Motion Carried.

Motion by Awrey, supported by Ouellette to excuse councilmember Witt from tonight's meeting.

Ayes: Unanimous. Motion Carried.

Public Comment:

A. Correll, T. Freeman, L. Goff, M. Maxon, B Holewinski, H. Mason, K. Beyer offered comments regarding the Treetops Expansion.

S. Mason and I. Murphy spoke regarding parking/pavilion being blocked off.

New Business:

Motion by Ouellette, supported by Wilson to approve the amendment and second reading of the Cemetery Ordinance. The amendment is as follows:

An ordinance to amend the City of Gaylord Cemetery Ordinance to modify the dates when burials are permitted within the cemetery.

THE CITY OF GAYLORD ORDAINS:

Section 1: Amendment of Section 6507a.

Section 6507a titled "RULES AND REGULATIONS" is amended at subsection (G) to read as follows:

[replace previous subsection (G) in its entirety with:]

No winter burials will be permitted between November 1 and April 1st. The City Manager or City Clerk can shorten the moratorium on burials to October 15th or extend to November 15th based on National Weather Service Forecasts. The City Manager or City Clerk can allow for spring burials to begin on March 15th or extend the moratorium on them to April15th, based on National Weather Service Forecasts.

Section 1: Amendment of Section 6521.

Section 6507a titled "SCHEDULE OF FEES AND CHARGES" is amended as follows:

[replace the previous line "Holiday Cremation Burial (Minimum)" under "RESIDENTS" in its entirety with:]

Holiday Cremation Burial (Minimum) \$600.00

[replace the previous line "Holiday Cremation Burial (Minimum)" under "NONRESIDENTS" in its entirety with:]

Holiday Cremation Burial (Minimum) \$600.00

Section 2: Severability.

If any part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its operation to the part directly involved in the controversy in which such judgment is rendered.

Section 3: Effective Date.

This amended ordinance shall be effective twenty (20) days after enactment or upon the date of publication, whichever date is later.

Ayes: Unanimous. Motion Carried.

Motion by Wilson, supported by Jaques to approve the Employment Contract for Christopher Falkenhagen, DPW Assistsant Superintendent.

Ayes: Unanimous. Motion Carried.

Motion by Awrey, supported by Jaques to approve LS Engineering Service Agreement for the North Center Avenue Project.

Ayes: Unanimous. Motion Carried.

Motion by Ouellette, supported by Awrey to approve the Future Planning Committee Recommendation. The recommendation from the committee was to ask the MEDC to amend the grant agreement to allow Treetops to utilize the funds to repair their own internal wastewater treatment plant and to have a separate agreement drawn up between the city and Treetops to hold the city harmless in the repairs and function of their plant. Council asked Attorney Slough to draft the agreements.

Ayes: Unanimous. Motion Carried.

Motion by Jaques, supported by Wilson to approve the Change Order #1 for the Water Service Lines project with the contractor National Industrial Maintenance.

Ayes: Unanimous. Motion Carried.

Motion by Awrey, supported by Wilson to approve the following Resolution Approving the Annexation of Property to the City of Gaylord (Shoppes on Main Development):

On March 14, 2016, the Township of Livingston entered into an Amended Contract For Transfer Of Property Pursuant To P.A. 1984 No. 425 with the City of Gaylord and the owners of the property subject to the agreement. The Township of Livingston agreed that, upon the termination or expiration of that contract, that it would resolve to permit the annexation of the property to the City of Gaylord under MCL 117.9(8). The Livingston Township Clerk has received a Petition signed by every qualified voter residing in the property subject to the contract and signed by the legal and/or equitable owners who collectively hold more than one-half of the area of the land subject to the contract. That Petition requests that the Livingston Township Board approve the annexation of the property to the City of Gaylord. The Livingston Township Treasurer has, at least ten (10) days prior to the date of this Resolution, notified the owners of all real property in the territory to be annexed either personally or by registered mail with return receipt demanded, at the last known address on file with the Township Treasurer, or has received a waiver of such notice.

NOW, THEREFORE, IT IS RESOLVED:

That the Gaylord City Council consents to and approves the annexation of the following described real property to the City of Gaylord, Michigan:

See Exhibit A.

PARCEL NO. 101-032-000-025-05; 101-032-000-025-06;
101-032-000-025-07; 101-032-000-030-04;
101-032-000-030-02; 101-032-000-030-00;
101-032-000-030-03

Pursuant to MCL 117.9(8) and City of Gaylord and Township of Livingston Contract For Transfer Of Property Pursuant to P.A. 1984 No. 425 dated March 14, 2016.

EXHIBIT A – LEGAL DESCRIPTIONS

101-032-000-025-05

LAND IN PART OF THE SOUTHEAST 1/4 OF SECTION 32, TOWN 31 NORTH, RANGE 6 WEST, LIVINGSTON TOWNSHIP, OTSEGO COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 32;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 32, N89°04'59"W, 653.91 FEET;

THENCE N00°14'25"E, 50.00 FEET TO THE NORTH LINE OF MAIN STREET WEST (M-32) (VARIABLE WIDTH);

THENCE ALONG SAID NORTH LINE, N89°04'59"W 200.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTH LINE THE FOLLOWING THREE (3) COURSES:

1) N89°04'59"W, 109.16 FEET;

2) N00°55'01"E, 25.00 FEET AND;

3) N89°04'59"W, 69.36 FEET;

THENCE N00°55'11"E, 386.76 FEET TO THE SOUTH LINE OF WINFRED ROAD (66 FEET WIDE);

THENCE ALONG SAID SOUTH LINE, S89°05'23"E, 194.23 FEET;

THENCE S00°09'59"W, 131.99 FEET TO THE SOUTH LINE OF GAYLORD WEST SUBDIVISION AS RECORDED IN LIBER 1, PAGE 18, OTSEGO COUNTY RECORDS;

THENCE ALONG SAID SOUTH LINE, N89°05'34"W, 20.76' FEET;

THENCE S00°14'25"W, 279.82 FEET TO THE AFOREMENTIONED NORTH LINE OF MAIN STREET WEST AND THE POINT OF BEGINNING.

CONTAINING ±1.687 ACRES OF LAND.

101-032-000-025-06

LAND IN PART OF THE SOUTHEAST 1/4 OF SECTION 32, TOWN 31 NORTH, RANGE 6 WEST, LIVINGSTON TOWNSHIP, OTSEGO COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 32;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 32, N89°04'59"W, 653.91 FEET;
THENCE N00°14'25"E, 50.00 FEET TO THE NORTH LINE OF MAIN STREET WEST (M-32) (VARIABLE WIDTH);
THENCE ALONG SAID NORTH LINE THE FOLLOWING THREE (3) COURSES:
1) N89°04'59"W, 309.16 FEET;
2) N00°55'01"E, 25.00 FEET AND;
3) N89°04'59"W, 69.36 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID NORTH LINE, N89°04'59"W, 166.50 FEET;
THENCE N00°55'19"E, 386.74 FEET TO THE SOUTH LINE OF WINFRED ROAD (66 FEET WIDE);
THENCE ALONG SAID SOUTH LINE, S89°05'23"E, 166.48 FEET;
THENCE S00°55'11"W, 386.76 FEET TO THE AFOREMENTIONED NORTH LINE OF MAIN STREET WEST AND THE POINT OF BEGINNING.
CONTAINING ±1.478 ACRES OF LAND.

101-032-000-025-07

LAND IN PART OF THE SOUTHEAST 1/4 OF SECTION 32, TOWN 31 NORTH, RANGE 6 WEST, LIVINGSTON TOWNSHIP, OTSEGO COUNTY, MICHIGAN, DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 32;
THENCE ALONG THE SOUTH LINE OF SAID SECTION 32, N89°04'59"W, 653.91 FEET;
THENCE N00°14'25"E, 50.00 FEET TO THE NORTH LINE OF MAIN STREET WEST (M-32) (VARIABLE WIDTH);
THENCE ALONG SAID NORTH LINE THE FOLLOWING THREE (3) COURSES:
1) N89°04'59"W, 309.16 FEET;
2) N00°55'01"E, 25.00 FEET AND;
3) N89°04'59"W, 235.86 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING N89°04'59"W, 108.37 FEET TO THE EAST LINE OF A PROPOSED NORTH-SOUTH CONNECTOR ROAD (66 FEET WIDE - CITY OF GAYLORD JURISDICTION);
THENCE ALONG SAID EAST LINE, N00°05'16"E, 386.77 FEET TO THE SOUTH LINE OF WINFRED ROAD (66 FEET WIDE);
THENCE ALONG SAID SOUTH LINE, S89°05'23"E, 114.00 FEET;
THENCE S00°55'19"W, 386.74 FEET TO THE AFOREMENTIONED NORTH LINE OF MAIN STREET WEST AND THE POINT OF BEGINNING.
CONTAINING ±0.987 ACRES OF LAND.

101-032-000-030-04

OVINGTON DR DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 32; THENCE ALONG THE SOUTH LINE OF SAID SECTION 32 S89°04'59"E, 1057.01 FEET; THENCE N00°05'16"E, 74.87 FEET TO THE NORTH LINE OF MAIN STREET WEST (HIGHWAY M-32); THENCE CONTINUING N00°05'16"E 247.36 FEET TO THE POINT OF BEGINNING; THENCE N00°05'16"E 139.51 FEET; THENCE S89°05'23"E 184.11 FEET; THENCE S00°05'16"W 140.56 FEET; THENCE N89°54'28"W, 87.65 FEET; THENCE N87°43'25"W 96.51 FEET TO THE POINT OF BEGINNING/
CONTAINING +/- 25,916 SQUARE FEET OR +/- 0.59 ACRES.

101-032-000-030-02

A PARCEL OF LAND IN THE SOUTHEAST ¼ OF SECTION 32, TOWN 31 NORTH, RANGE 3 WEST, CITY OF GAYLORD, OTSEGO COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE SOUTH ¼ CORNER OF SAID SECTION 32; THENCE ALONG THE SOUTH LINE OF SAID SECTION 32 SOUTH 89°04'59" EAST, 1057.01 FEET; THENCE NORTH 00°05'16" EAST 74.87 FEET TO THE NORTH LINE OF MAIN STREET WEST (HIGHWAY M-32); THENCE ALONG SAID NORTH LINE, SOUTH 89°06'53" EAST 96.43 FEET, TO THE POINT OF BEGINNING; THENCE NORTH 00°05'32" EAST 244.88 FEET; THENCE SOUTH 89°54'28" EAST 87.65 FEET; THENCE SOUTH 00°05'16" WEST 166.19 FEET; THENCE SOUTH 89°54'44" EAST 11.00 FEET; THENCE SOUTH 00°05'16" WEST 10.00 FEET; THENCE NORTH 89°54'44" WEST 11.00 FEET; THENCE SOUTH 00°05'16" WEST 69.90 FEET TO THE AFOREMENTIONED NORTH LINE OF MAIN STREET WEST; THENCE ALONG SAID NORTH LINE, NORTH 89°06'53" WEST 87.68 FEET TO THE POINT OF BEGINNING.
SAID PARCEL CONTAINS 0.50 ACRES OF LAND, MORE OR LESS.

101-032-000-030-00

A PARCEL OF LAND AVER PORT OF PARCEL NO. 080-032-400-035-02. BEING LAND IN THE SOUTHEAST 1/4 OF SECTION 32. TOWN 31 NORTH. RANGE 3 WEST. CITY OF GAYLORD. OTSEGO COUNTY. MICHIGAN. BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 32;
THENCE ALONG THE SOUTH LINE OF SAID SECTION 32 S89°04'59"E. 1057.01 FEET;
THENCE N00°05'16"E. 74.87 FEET TO THE NORTH LINE OF MAIN STREET WEST (HIGHWAY M-32);
THENCE CONTINUING N00°05'16"E, 247.35 FEET;
THENCE S87°43'25"E. 96.51 FEET;
THENCE S00°05'32"W. 244.88 FEET TO THE AFOREMENTIONED NORTH LINE OF MAIN STREET WEST;
THENCE ALONG SAID NORTH LINE N89°05'53"W. 96.43 FEET TO THE POINT OF BEGINNING.
CONTAINING ±0.55 ACRES OF LAND.

SPLIT FROM LIVINGSTON TWP PARCEL 080-032-400-035-00 AND BROUGHT INTO THE CITY PER 2016 425

101-032-000-030-03

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 32; THENCE ALONG THE SOUTH LINE OF SAID SECTION 32 S89°04'59"E,

1057.01 FEET; THENCE N 00 DEG 05'16"E, 74.87 FEET TO THE NORTH LINE OF MAIN STREET WEST (HIGHWAY M-32); THENCE ALONG SAID NORTH LINE S89°06'53"E. 184.11 FEET TO THE POINT OF BEGINNING; THENCE N 00°05'16"E69.90 FEET; THENCE S89°54'44"E, 11FEET; THENCE N00°05'16"E10.00 FEET; THENCE N89°54'44"W, 11.00 FEET; THENCE N00°05'16"E 306.90 FEET; THENCE S89°05'23"E 66.01 FEET; THENCE S00°05'16"W, 386.77 FEET TO THE AFOREMENTIONED NORTH LINE OF MAIN STREET WEST; THENCE ALONG SAID NORTH LINE N89°06'53"W. 66.01 FEET TO THE POINT OF BEGINNING. CONTAINING +/-25,418 SQUARE FFET OR +/-0.58 ACRES.

Ayes: Unanimous. Motion Carried.

The next council meeting will be on Tuesday, November 12, 2024 due to Veterans' Day Holiday on Monday, November 11th.

No other business was presented, and the meeting was adjourned at 7:37 p.m.

Jennifer Molski, City Clerk

Todd Sharrard, Mayor