



# **GLADSTONE CITY COMMISSION REGULAR MEETING**

City Hall Chambers – 1100 Delta Avenue  
September 09, 2024  
6:00 PM

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## **AGENDA**

### **CALL TO ORDER**

1. Invocation
2. Pledge of Allegiance
3. Roll Call

### **PUBLIC HEARINGS**

### **PUBLIC COMMENT**

### **CONFLICTS OF INTEREST**

### **CONSENT AGENDA**

- [4.](#) Gladstone Housing Commission Minutes - February 6, 2024
- [5.](#) Gladstone Housing Commission Minutes - June 4, 2024
- [6.](#) City Commission Regular Meeting Minutes of August 26, 2024
- [7.](#) Payment of Bills - Delta County Reimbursement for Public Safety Records Management Software \$5,487.67

### **UNFINISHED BUSINESS**

- [8.](#) ATC Offer for Easement

### **NEW BUSINESS**

- [9.](#) National See Tracks? Think Train Week Proclamation
- [10.](#) Change Order to Watermain & Service Lines Replacement Project 2024-2025
- [11.](#) Authorize City Clerk to Appoint Election Inspectors for November 5, 2024 General Election
- [12.](#) Parks & Recreation Advisory Board Appointment of Mr. Roger Aho

### **CITY MANAGER'S REPORT**

13. City of Gladstone Special Assessment & Street Funding Presentation

### **CITY COMMISSION & COMMITTEE REPORTS**

- [14.](#) 94th Judicial District Court Order of Dismissal - Michael O'Connor vs City of Gladstone
- [15.](#) 94th Judicial District Court Order of Dismissal - Charles & Deanna Kang vs City of Gladstone

### **BOARDS & COMMISSIONS REPORTS**

### **CITY COMMISSIONER COMMENTS**

### **CITY CLERK COMMENTS**

16. Letter from Attorney General Re: City of Gladstone Charter Amendment Proposed by Initiative Petition

**CLOSED SESSION**

**ADJOURNMENT**

The City of Gladstone will provide all necessary, reasonable aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting/hearing upon five days notice to the City of Gladstone. Individuals with disabilities requiring auxiliary aids or services should contact the City of Gladstone by writing or calling City Hall at (906) 428-2311.

Posted: 09-06-2024

Kimberly Berry, MiPMC  
906-428-2311  
[kberry@gladstonemi.gov](mailto:kberry@gladstonemi.gov)

**RULES FOR PUBLIC COMMENT/ PUBLIC HEARINGS**

**(Excerpt from City Commission Rules of Procedure Adopted: 11-25-2019)**

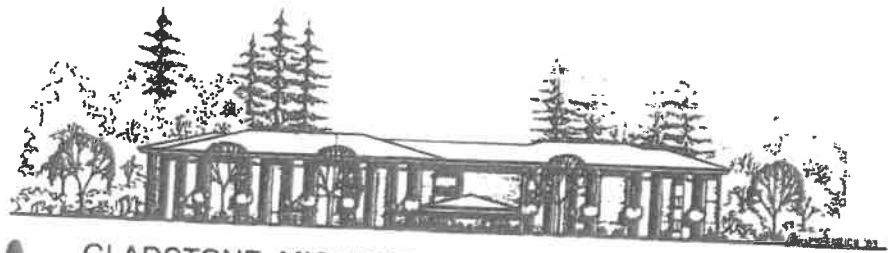
A. Public Comment / Public Hearings

At regular and special meetings of the commission, individuals wishing to be heard may address the commission during the public comment/public hearing periods as set forth in the agenda under the following rules:

1. Each speaker shall state name and address for the record.
2. Each speaker is limited to three (3) minutes of comment unless the presiding officer decides more time is necessary
3. Each speaker shall try to be concise and refrain from repeating comments already addressed by the commission.
4. Speakers who do not cease speaking when asked to do so will be deemed out of order and will not be allowed to address the commission again for the remainder of the meeting; continued disruption will warrant removal from the meeting.
5. The commission shall not decide issues that arise during public comment.
6. Speakers should address the commission through the presiding officer.
7. Commissioners and staff will not debate with the public.
8. Speakers will not verbally attack City Commissioners, City Staff or members of the public attending the meeting. Any such behavior will not be tolerated and any person presenting in this manner will be warned by the Mayor and shall be removed by Public Safety for noncompliance.
9. No vulgar or obscene language will be used by the speakers.
10. Any information the speaker wants to distribute to the Commission must first ask the Chair (Mayor) if they may present the Commission written comments at the meeting.
11. Speakers may not ask questions of the board during this time as the Commission or Staff will not address them during this public comment period.

**GLADSTONE  
HOUSING  
COMMISSION**

217 DAKOTA AVENUE



GLADSTONE, MICHIGAN 49837

(906) 428-2215

**MINUTES OF THE REGULAR MEETING OF FEBRUARY 6, 2024**

Commission President Waeghe called the meeting to order at 7:00 p.m., February 6, 2024. A roll call of commissioners was made with the following results:

Present: Pres. Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman

Absent: Mary Bosk with excuse.

Also in attendance was Executive Director and Secretary, Michael Lindahl.

A motion was made by Comm. Chapman and supported by Comm. Kaminen to approve the minutes of the Regular Meeting of December 5, 2023, as submitted.

Ayes: Pres. Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman.

Nays: None, motion passed.

The listing of bills and expenses was reviewed and discussed. A motion was made by Comm. Maki and supported by Pres. Waeghe that the bills and expenses submitted to the Commission be paid.

Ayes: Pres Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman

Nays: None, motion passed.

The Commission was informed of 7 vacancies in Fairview.

The Commission was updated on Fairview's plans to start the HUD section 18 process and 202 application this year.

The Commission reviewed the 2024 revised budget. They found no problem with it. A motion was made by Comm. Maki and supported by Comm. Chapman to approve the 2024 revised budget.

Ayes: Pres. Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman.

Nays: None, motion passed.

The Commission reviewed the 2025 budget. They found no problem with it. A motion was made by Pres. Waeghe and supported by Comm. Kaminen to approve the 2025 budget.

Ayes: Pres. Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman.

Nays: None, motion passed.

The Commission held public comment on the 2025 annual plan. A motion was made by Pres. Waeghe and supported by Comm. Kaminen to go into public comment.

Ayes: Pres. Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman.

Nays: None, public comment was entered in at 8:07 PM.

There was no public comment.

A motion was made by Comm. Chapman and supported by Pres. Waeghe to close public comment.

Ayes: Pres. Waeghe, Comm. Kaminen, Comm. Maki, Comm Chapman.

Nays: None, public comment was closed at 8:10 PM.

A motion was made by Comm. Maki and supported by Comm. Chapman to approve the 2025 annual Plan.

Ayes: Pres. Waeghe, Comm. Kaminen, Comm Maki, Comm. Chapman.

Nays: None, motion passed.

There was no public comment.

There being no further business to come before the Commission, Comm. Chapman moved to adjourn at approximately 8:20 PM. Comm. Maki seconded the motion.

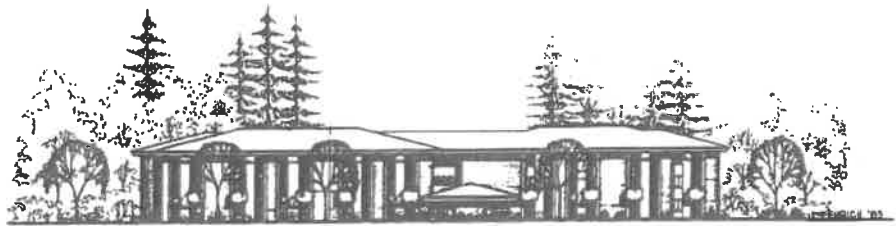
Ayes: Pres. Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman.

Nays: None, motion passed. Meeting adjourned.

  
Paula Waeghe, President

  
Michael Lindahl, Secretary

# GLADSTONE HOUSING COMMISSION



217 DAKOTA AVENUE

GLADSTONE, MICHIGAN 49837

(906) 428-2215

## MINUTES OF THE REGULAR MEETING OF JUNE 4, 2024

Commission President Waeghe called the meeting to order at 7:00 p.m., June 4, 2024. A roll call of commissioners was made with the following results:

Present: Pres. Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman, Comm. Bosk.

Absent: None.

Also in attendance was Executive Director and Secretary, Michael Lindahl.

A motion was made by Pres. Waeghe and supported by Comm. Bosk to approve the minutes of the Regular Meeting of February 6, 2024, (there was no April meeting as it was cancelled) as submitted.

Ayes: Pres. Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman, Comm. Bosk.

Nays: None, motion passed.

The listing of bills and expenses was reviewed and discussed. A motion was made by Comm. Bosk and supported by Comm. Kaminen that the bills and expenses submitted to the Commission be paid.

Ayes: Pres Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman, Comm. Bosk.

Nays: None, motion passed.

The Commission was informed of 7 vacancies in Fairview.

The Commission was updated on Fairview's plans to start the HUD section 18 process and 202 application this year.

The Commission reviewed a resolution 2024-2 to close out aging tenant accounts. A motion was made by Pres. Waeghe and supported by Comm. Kaminen that the resolution 2024-2 to close out aging tenant account be approved.

Ayes: Pres Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman, Comm. Bosk.

Nays: None, motion passed.

The Commission reviewed a resolution 2024-3 for inventory write offs. A motion was made by Comm. Kaminen and supported by Comm. Bosk that the resolution 2024-3 for inventory write offs be approved.

Ayes: Pres Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman, Comm. Bosk.

Nays: None, motion passed.

The Commission was given a copy of the 2024 annual audit.

There was no public comment.

There being no further business to come before the Commission, Comm. Bosk moved to adjourn at approximately 7:41PM. Comm. Chapman seconded the motion.

Ayes: Pres. Waeghe, Comm. Kaminen, Comm. Maki, Comm. Chapman, Comm. Bosk.

Nays: None, motion passed. Meeting adjourned.

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Paula Waeghe, President

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Michael Lindahl, Secretary



# GLADSTONE CITY COMMISSION REGULAR MEETING

City Hall Chambers – 1100 Delta Avenue  
August 26, 2024  
6:00 PM

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## MINUTES

Mayor Joe Thompson called the meeting to order and gave the Invocation.

The roll was called by City Clerk, Kimberly Berry:

### PRESENT

Mayor Joe Thompson  
Commissioner Judy Akkala  
Mayor Pro-Tem Brad Mantela  
Commissioner Robert Pontius  
Commissioner Steve O'Driscoll

No public present for public comment.

Motion made by Commissioner O'Driscoll, Seconded by Commissioner Akkala to approve the consent agenda as presented.

### MOTION CARRIED

Motion made by Mayor Thompson, Seconded by Commissioner Akkala to table the ATC Offer Easement to September 9, 2024 Regular City Commission Meeting.

### MOTION CARRIED

Motion made by Commissioner Akkala, Seconded by Mayor Pro-Tem Mantela to approve the introduction of the Planned Unit Development of 80 Delta Avenue as recommended by the Gladstone Planning Commission and set a public hearing for September 23, 2024 regular City Commission meeting.

### MOTION CARRIED

Motion made by Mayor Pro-Tem Mantela, Seconded by Commissioner O'Driscoll to approve the Department Natural Resources Land Acquisition application for Parcel Numbers as follows:

Legal Description:  
DNR Parcel Numbers

1077815: T40N, R22W, S16, SE1/4 of SW1/4  
313329: S. First Addition to Gladstone  
313326: S. First Addition to Gladstone  
313336: S. First Addition to Gladstone  
313605: T40N, R22W, S16, NE1/4 of SW1/4  
313606: T40N, R22W, S16, NE1/4 of SW1/4  
313607: T40N, R22W, S16, NE1/4 of SW1/4  
313609: T40N, R22W, S16, SE1/4 of SW1/4  
313611: T40N, R22W, S16, SE1/4 of SW1/4

MOTION CARRIED

Manager Eric Buckman commented on the following:

- Community Development Director, Renee Barron and I met with a developer regarding property near the Sports Park.
- Community Development Director, Renee Barron and I met with company looking to buy a lot in the North Bluff Industrial Park.
- Attended the monthly DDA meeting.
- Working on financial numbers regarding the Special Assessment Initiative Petition.
- A nice article in the Daily Press regarding the Gladstone Sailboat Program.
- 

The Gladstone Master Plan Amendment process is completed by the Gladstone Planning Commission and is now available on the city website [www.gladstonemi.gov](http://www.gladstonemi.gov)

City Clerk Comments:

- November ballots are not available yet will be in September
- Thank you to Renee Barron and Patricia West on the completion of the Master Plan Amendment, it is an extensive process, and we have a great plan due to their hard work.
- Two recent small claims cases dismissed today, last week Mike O'Connor vs City of Gladstone regarding a long grass appeal fee and today, Mr. & Mrs. Kang vs City of Gladstone regarding a sign violation fee. Neither of the parties had paid the fee/fine, so no damages to consider by jurisdiction of small claims. Petitioners both sought a judgement on City Codes. Judge Parks ruled it is not the jurisdiction of small claims to make a declaratory judgement, so he dismissed both without prejudice.



Motion by Mayor Pro-Tem Mantela; Seconded by Mayor Thompson to enter closed session at 6:40 PM to consider a personnel evaluation of Assessor Janice Ketcham as allowable under the Open Meetings Act 267 of 1976 (15.268) Section 8 item a.

Commissioner Judy Akkala      Yes  
Mayor Pro-Tem Brad Mantela    Yes  
Commissioner Robert Pontius    Yes  
Commissioner Steve O'Driscoll   Yes  
Mayor Joe Thompson              Yes

MOTION CARRIED

Motion by Mayor Pro-Tem Mantela; Seconded by Commission O'Driscoll reported a good evaluation of the Assessor and to approve the Assessor Contract for Janice Frizzell beginning August 1, 2024 - July 31, 2027 with Section 4c changed from thirty (30) days written notice to sixty (60) days.

MOTION CARRIED

Motion made by Mayor Pro-Tem Mantela, Seconded by Mayor Thompson to enter closed session at 7:18 PM to consult with Miller Canfield attorneys as allowable under the Open Meetings Act 267 of 1976 (15.268) Section 8 item (h) to consider material exempt from discussion or disclosure by state of federal statute.

Commissioner Judy Akkala      Yes  
Mayor Pro-Tem Brad Mantela    Yes  
Commissioner Robert Pontius    Yes  
Commissioner Steve O'Driscoll   Yes  
Mayor Joe Thompson              Yes

MOTION CARRIED

Mayor Thompson called the meeting back into open session at 7:46 PM with no action taken in closed session.

Motion by Mayor Pro-Tem Mantela; seconded by Commissioner Pontius to direct City Manager Eric Buckman to send the letter as prepared and amended by our attorneys at Miller Canfield to the property owners of the Jones property regarding the lease agreement with the City.

Mayor Pro-Tem Brad Mantela    Yes  
Commissioner Robert Pontius    Yes  
Commissioner Steve O'Driscoll   Yes  
Commissioner Judy Akkala        Yes  
Mayor Joe Thompson              Yes

MOTION CARRIED

There being no further business before the Commission, Mayor Thompson adjourned the meeting at 7:47 PM.

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Joe Thompson, Mayor

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Kimberly Berry, City Clerk

**Delta**

baldovskir  
becksb  
chmurynskik  
davisonb  
dittrichc  
flagstadta  
gibbsj  
griebelp  
groleaum  
hansonm  
iversonj  
kleiberj  
kositzkys  
kurzendoerferj  
lacarted  
lewist  
martineaut  
massiew  
mcdonoughj  
newtonc  
normanj  
oswalde  
pepinj  
sadowskis  
seymourn  
simmonsj  
smithj  
syversonjp  
vandeilles  
vandresek  
vaneveras  
wilsonk

**Escanaba**

bessonene  
bruderss  
brucen  
carrs  
challiert  
chouinardt  
coderet  
deneaude  
dishawj  
ericksonj  
gudwerj  
hunterj  
ladouce  
lafavee  
madalinksib  
marcheset  
mcguiren  
meyettej  
petersonm  
petersonr  
silverstonej  
smithd  
soveyg  
spriksj  
stempkid  
vandammej  
vandresej  
walkerj  
willoure  
younga  
youngae

**Gladstone**

chmurynskia  
larsons  
nadeaud  
naultbp  
nelsonm  
potierc  
quinlana  
robinsonr  
samp  
sjoquistl

**User totals by department**

Delta:	32
Escanaba:	31
Gladstone:	10
<b>Total Users:</b>	<b>73</b>

**Invoices**

CORMN0001842 \$ 40,060.00

**Invoice Total:** \$ 40,060.00

Price per user: \$ 548.77

**Totals by department**

Delta	\$ 17,560.55
Escanaba	\$ 17,011.78
Gladstone	<u>\$ 5,487.67</u>
<b>Total:</b>	<b>\$ 40,060.00</b>

\$5,487.67  
101-301-800.000  
RLR  
9-3-24

Contracted Services

This is the Delta county-wide records management system, for report writing & records.

Cost increase yearly for each department. Invoice was under \$5,000 last fiscal year.



Remit To: Core Technology Corporation  
 PO BOX 74008484,  
 Chicago,  
 IL 60674-8484

**Invoice** CORMN0001842  
**Date** 8/9/2024  
**Page** 1 of 2

Bill To
Delta County Accts Payable / Brandon Couvillion 310 Ludington Street Escanaba, MI 49829 US

Ship To
Delta County Sheriff's Department 310 Ludington Street Escanaba, MI 49829 US

PO Number	Customer No.	Salesperson ID	Shipping Method	Payment Terms
	DEL3000		LOCAL DELIVERY	MN OCT

Ordered	Item Number	Description	Unit Price	Ext Price
1.00	NOTE	Annual CORE Technology Maintenance	US\$0.00	US\$0.00
1.00	CORE-RMS	Talon Incident Management System with Evidence - Gladstone DPS: September 2024 to August 2025	US\$2,836.00	US\$2,836.00
1.00	CORE-MOBILE	Talon Mixed use Client (10) - Gladstone Dept of Public Safety: September 2024 to August 2025	US\$1,824.00	US\$1,824.00
1.00	CORE-RMS	TIMS Workflow Module - Gladstone DPS/Delta Co Prosecutor: September 2024 to August 2025	US\$950.00	US\$950.00
1.00	CORE-MOBILE	MultiBridge Enterprise LEIN - Escanaba Dept of Public Safety: October 2024 to September 2025	US\$4,054.00	US\$4,054.00
1.00	CORE-MOBILE	Talon Mixed use Client (10) - Escanaba Dept of Public Safety: October 2024 to September 2025	US\$1,950.00	US\$1,950.00
1.00	CORE-RMS	TIMS CAD Import Module - Escanaba Dept of Public Safety: October 2024 to September 2025	US\$2,866.00	US\$2,866.00
1.00	CORE-RMS	TIMS E-Crash Import Module - Escanaba Dept of Public Safety: October 2024 to September 2025	US\$410.00	US\$410.00
1.00	CORE-RMS	TIMS Crime Mapping - Escanaba Dept of Public Safety: October 2024 to September 2025	US\$2,866.00	US\$2,866.00
1.00	CORE-RMS	Talon Incident Management System with Evidence - Escanaba DPS: October 2024 to September 2025	US\$2,870.00	US\$2,870.00
1.00	CORE-RMS	Talon Incident Management System with Evidence - Delta Co Sheriff's: October 2024 to September 2025	US\$9,704.00	US\$9,704.00
1.00	CORE-MOBILE	Talon Mixed use Client (5) - Delta Co Sheriff's Dept: October 2024 to September 2025	US\$950.00	US\$950.00
1.00	CORE-RMS-DS	Talon Authentication Matrix; 26-50 users - Delta Co Sheriff's Dept: October 2024 to September 2025	US\$3,820.00	US\$3,820.00
1.00	CORE-RMS	TIMS Workflow Module - Escanaba DPS/Delta Co Prosecutor: October 2024 to September 2025	US\$950.00	US\$950.00
1.00	CORE-RMS	TIMS E-Crash Import Module - Delta Co Sheriff's Dept: October 2024 to September 2025	US\$394.00	US\$394.00
1.00	CORE-RMS	TIMS Workflow Module - Delta Co/Delta County Prosecutor: October 2024 to September 2025	US\$950.00	US\$950.00
1.00	CORE-MOBILE	Talon Mixed use Client (10) - Delta County Sheriff: October 2024 to September 2025	US\$1,906.00	US\$1,906.00
1.00	CORE-RMS	TIMS E-Crash Import Module - Gladstone Dept of Public Safety: September 2024 to August 2025	US\$376.00	US\$376.00

			US\$40,060.00	
<b>Annual Software Support Includes:</b>			US\$0.00	
Unlimited telephone support (M-F, 8:00am to 5:00pm EST, excluding holidays), Internet Support, FTP Support & Product Updates Phone 800-338-2117 ext. 0			US\$0.00	
Invoice Questions? Please call Placidia Ahaiwe at 1-613-707-4313 or at our toll-free number 1-888-847-7747; you can also email us at support@coretechcorp.com			US\$0.00	
			US\$40,060.00	



Remit To: Core Technology Corporation  
 PO BOX 74008484,  
 Chicago,  
 IL 60674-8484

Invoice: CORMN0001842  
 Date: 8/9/2024  
 Page: 2 of 2

Bill To
Delta County Accts Payable / Brandon Couvillion 310 Ludington Street Escanaba, MI 49829 US

Ship To
Delta County Sheriff's Department 310 Ludington Street Escanaba, MI 49829 US

PO Number	Customer No.	Salesperson ID	Shipping Method	Payment Terms
	DEL3000		LOCAL DELIVERY	MN OCT

Ordered	Item Number	Description	Unit Price	Ext Price
1.00	CORE-RMS	TIMS Ticket Import: October 2024 to September 2025  CANCELLATION POLICY: Cancellations and changes must be received 30 days PRIOR to the start of the maintenance term. Any notices received after will require a 3 month minimum term.  Email to: AR@CoreTechCorp.com	US\$384.00	US\$384.00

<b>Annual Software Support Includes:</b> Unlimited telephone support (M-F, 8:00am to 5:00pm EST, excluding holidays), Internet Support, FTP Support & Product Updates Phone 800-338-2117 ext. 0  Invoice Questions? Please call Placidia Ahaiwe at 1-613-707-4313 or at our toll-free number 1-888-847-7747; you can also email us at support@coretechcorp.com	Subtotal	US\$40,060.00
	Misc	US\$0.00
	Tax	US\$0.00
	Freight	US\$0.00
	Trade Discount	US\$0.00
<b>Total</b>	<b>US\$40,060.00</b>	

GLADSTONE



**City of Gladstone, MI**

1100 Delta Avenue  
Gladstone, MI 49837  
www.gladstonemi.gov

**MEETING TYPE  
STAFF REPORT**

**Agenda Date:** 09-09-2024

**Eric Buckman, City  
Manager:**

**Department:** Community Development

**Department Head Name:**

**Presenter:** Renee Barron

**Kim Berry, City Clerk:**

**This form and any background material must be approved by the City Manager, then delivered to the City Clerk by 4:00 PM the Tuesday prior to the Commission Meeting.**

**AGENDA ITEM TITLE:**

ATC Offer for Easement

**BACKGROUND:**

ATC has transmission line easements with the City of Gladstone currently and are looking for supplemental easements along some of their routes. We have two proposals from them to expand their easements on two parcels owned by the City. The first one is west of the Oak Bluff Grocery store (\$5,000) and the second one is on our cell tower property on N. Bluff Drive (\$26,100). Easements already exist at both locations; they are looking to expand these easements due to new regulations.

**FISCAL EFFECT:**

\$31,100 revenue to the City funds to be deposited in the land development fund.

**SUPPORTING DOCUMENTATION:**

Attached are the ATC Easements and GIS pictures depicting the location of the properties

**RECOMMENDATION:**

Approve Eric Buckman, City Manager to sign easement agreements on behalf of the City of Gladstone.



**GOOD FAITH OFFER PAYMENT  
WORKSHEET & SUMMARY  
(Just Compensation)**

ATC File Number: OMD-NBL0190 Line Designation: OMDY11 Date: 05/01/2024

**LANDOWNER INFORMATION:**

OWNER: City of Gladstone

Address: 1100 Delta Avenue, Gladstone, MI 49837

Phone #: \_\_\_\_\_

$$\frac{23 \text{ ft.}}{\text{length}} \times \frac{23 \text{ ft.}}{\text{width}} = \frac{0.01}{\text{acres}^*} \text{ acre} \times \frac{\$42,000.00}{\text{Price per acre}} / \text{acre} = \frac{\$420.00}{\text{Value of land}}$$

$$\frac{\$420.00}{\text{value of land}} \times \frac{1.0}{\text{Easement factor (0-1.0)}} = \frac{\$420.00}{\text{value of easement acquisition}}$$

Payment for Easement Compensation	<u>\$1,000.00</u>
Incentive Payment	<u>\$2,500.00</u>
Payment for permission to apply herbicide	<u>\$1,500.00</u>
Misc. payments described below:	
_____	\$ _____
_____	\$ _____
_____	\$ _____
<b>Total Payments</b>	<b><u>\$5,000.00</u></b>

**Note: The price per acre is based upon a sales/market study of land values prepared by Steigerwaldt Land Services, Inc. and dated October 2023**



## Signing Bonus

This instrument is executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the undersigned grantor, whether one or more (herein collectively referred to as "Landowner") and American Transmission Company LLC, a Wisconsin limited liability company, by its corporate manager, ATC Management Inc. (herein collectively referred to as "ATC").

WHEREAS, ATC is acquiring an easement for electric line purposes over, under, and across certain real estate owned by the Landowner and located in the City of Gladstone, County of Delta, State of Michigan; and

WHEREAS, ATC is willing to pay to the Landowner \$2,500.00 in addition to the just compensation for the easement interest, in exchange for the Landowner signing both the easement and the Signing Bonus document within 45 days of receipt of the initial offer package; and

WHEREAS, the Landowner has signed the easement within 45 days of receipt of the initial offer package;

This Agreement is binding and non-negotiable.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Owner: City of Gladstone

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner:



## TRANSMISSION LINE EASEMENT

For and in consideration of the sum of \$1.00 and other good and valuable consideration, to them paid, the receipt whereof is hereby acknowledged, the undersigned owner(s), City of Gladstone, a Municipal Corporation, 1100 Delta Avenue, Gladstone, MI 49837, (hereinafter referred to as "Grantor") grants and warrants to American Transmission Company LLC, a Wisconsin limited liability company, and its manager ATC Management Inc., a Wisconsin corporation, P.O. Box 47, Waukesha, WI 53187-0047, (hereinafter cumulatively referred to as "Grantee") its successors, assigns, licensees and manager, the perpetual right and easement upon, over and across a part of lands of Grantor, as further described below.

Grantor hereby conveys unto Grantee the right, permission and authority to construct, erect, install, operate, maintain, patrol, change, inspect, repair, relocate, replace, renew, reconstruct, remove, and extend, at any time and from time to time, transmission line facilities of such type or material Grantee, in its sole discretion, may select, including but not limited to structures, cross-arms, conductors, wires, cables, transformers, anchors, guy wires, stub supports, foundations, footings, counterpoises and any other appurtenances, all hereinafter referred to as "Facilities," for the purpose of transmitting electric energy and carrying communication signals, said communication signals are for the purpose of electric utility communication and operations, upon, over, under, above, across, through and in all that part of the Grantor's premises contained within the boundaries of the hereinafter described perpetual easement area, being a part of the property of Grantor described as: Part of the Northwest 1/4 of the Northeast 1/4 of Section 29, T40N-R22W, City of Gladstone, Delta County, Michigan hereinafter referred to as "Grantor's Premises".

The perpetual easement area, hereinafter referred to as the "Easement Strip", being a strip of land in varying width over Grantor's Premises, the legal description and the location of the Easement Strip with respect to the Grantor's premises is described and shown on the attached drawing, marked Exhibit "A", attached hereto and made a part hereof.

The right, permission and authority is also conveyed to Grantee, at its sole discretion, to trim, cut down, and eliminate all trees, brush and other vegetation, and overhanging branches, now or hereafter existing in, on and over said Easement Strip, and to cut down, eliminate, and/or trim such dead, dying, diseased, decayed, leaning trees or tree parts now or hereafter existing on Grantor's Premises located outside of said Easement Strip that in Grantee's sole judgment may pose a threat to the safe and reliable operation of the Facilities, hereinafter referred to as "Hazard Trees"; together with the right, permission and authority to enter in a reasonable manner upon the Grantor's Premises adjacent to said Easement Strip for such purpose. The right, permission and authority is conveyed to Grantee to use herbicidal chemicals for tree, weed and brush control in the Easement Strip and for Hazard Tree management purposes.

Grantor shall have the right to use the Easement Strip so long as such use does not interfere with Grantee's full use of and all rights conveyed in this easement. Additionally, Grantor specifically covenants and agrees that no structures or improvements will be erected, including but not limited to dwellings or mobile homes intended for residential occupancy, nor will flammable material be placed or accumulated, nor trees, brush or other woody vegetation planted, nor sewer, water or drainage facilities placed within or on said Easement Strip, and Grantor further covenants and agrees that the elevation of the existing ground level within said Easement Strip will not be altered by more than one (1) foot without the prior written consent of Grantee.

Grantee shall have reasonable ingress and egress for personnel, equipment and vehicles to and from said perpetual Easement Strip across the Grantor's property adjacent to the perpetual easement for the purpose of patrolling said Facilities and exercising the rights herein acquired, but payment shall be made by Grantee for damage, if any, to property, crops, fences, livestock, lawns, roads, fields and field tile (other than brush, trees and overhanging branches trimmed or cut down and eliminated from the Easement Strip or "Hazard Trees") caused by its acts.

Grantee shall own the Facilities and Grantor shall have no ownership interest therein.

Grantor warrants and represents that Grantor has good title to the property subject to this easement and that the same are free and clear from all liens except:

None

And is subject to taxes, easements, covenants and conditions of record, municipal and zoning ordinances;

And will forever warrant and defend this easement against all and every person or persons lawfully claiming the whole or any part thereof.

It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised for some time in the future, and that none of the rights herein granted shall be lost by non-use for any length of time. This perpetual easement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

**This instrument is exempt from Michigan Real Estate Transfer Tax by reason of MCL 207.526(f) and MCL 207.505(f).**

**Signature page to follow**

IN WITNESS WHEREOF, we have hereunto set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

GRANTOR: City of Gladstone

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Printed Name and Title

STATE OF MICHIGAN            )  
  ) SS  
COUNTY OF \_\_\_\_\_)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_,  
and \_\_\_\_\_ of the above-named City of Gladstone, known to be the person(s)  
who executed the foregoing instrument and to me known to be such \_\_\_\_\_ and  
\_\_\_\_\_ of said entity, and acknowledged that they executed the foregoing  
instrument as such officer(s), as the deed of said entity, by its authority.

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Printed Name of Notary

Notary Public, \_\_\_\_\_ County, State of Michigan

Acting in \_\_\_\_\_ County, State of Michigan

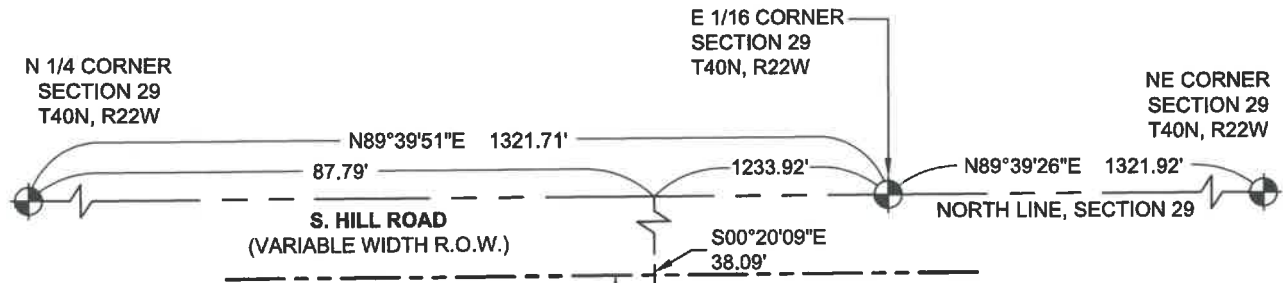
My Commission expires (is) \_\_\_\_\_

This instrument was drafted by Carol Ahles and checked by Doug Mathys on behalf of American Transmission Company, PO Box 47, Waukesha, WI 53187-0047.

Return To:  
Steigerwaldt Land Service, Inc.  
856 North 4<sup>th</sup> St.  
Tomahawk, WI 54487

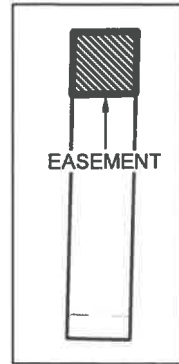
# EASEMENT DESCRIPTION MAP (EXHIBIT A)

ATC ID: OMD-NBL0190  
 TPN: 052-452-007-00



TIPPERARY ROAD  
 (66' WIDE R.O.W.)

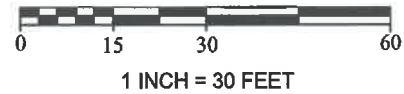
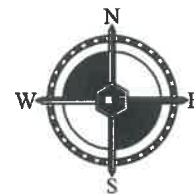
LOCATION MAP:  
 TPN: 052-452-007-00



Line Table		
Line #	Bearing	Distance
L1	S01° 25' 46\"W	22.58'
L2	S89° 34' 29\"W	22.95'
L3	N01° 26' 29\"E	22.61'
L4	N89° 38' 19\"E	22.94'

TPN 052-452-007-00  
 L.408, PG. 936  
 NW 1/4 - NE 1/4  
 SECTION 29  
 BLOCK 2  
 MASHEK-BUCKBEE ADDITION

PART OF  
 LOT 7



- LEGEND**
- PLSS CORNER
  - P.O.B. POINT OF BEGINNING
  - TPN TAX PARCEL NUMBER
  - GRANTOR PARCEL LINE
  - LOT LINE
  - RIGHT OF WAY LINE
  - TRANSMISSION CENTERLINE

**MAP KEY**

ATC TRANSMISSION LINE EASEMENT  
 (518 SQFT / 0.01 ACRES ±)

CITY OF GLADSTONE, DELTA COUNTY

**NOTE** - BEARINGS ARE BASED ON THE MICHIGAN STATE PLANE COORDINATE SYSTEM, NORTH ZONE, INTERNATIONAL FEET, GRID DISTANCE. THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES AND APPURTENANCES IS SUBJECT TO CHANGE WITHIN THE BOUNDARIES OF THE RIGHTS-OF-WAY HEREIN GRANTED.

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**ATC**  
 Energizing Your Future

**EXHIBIT A**

Page 1 of 2 | DATE: 2/28/2024

SKETCH SCALE: 1" = 30'

Job # 231081-B

# EASEMENT DESCRIPTION MAP (EXHIBIT A)

ATC ID: OMD-NBL0190

TPN: 052-452-007-00

### EASEMENT DESCRIPTION MAP (EXHIBIT A)

A variable width easement which crosses the Grantor's premises recorded in the Delta County Register of Deeds Liber 408 on Page 936, being part of the Northwest Quarter of the Northeast Quarter (NW 1/4 - NE 1/4) of Section 29, Township 40 North, Range 22 West, City of Gladstone, Delta County, Michigan, more particularly described as follows:

Commencing at the North Quarter (N 1/4) Corner of said Section 29; thence N89°39'51"E along the North line of said Section 29, a distance of 87.79 feet; thence S00°20'09"E, a distance of 38.09 feet to a point on the South right-of-way line of S. Hill Road (variable width), also being the Northeast Corner of the Grantor's parcel, and the POINT OF BEGINNING (P.O.B.).

Thence S01°25'46"W along the East line of the Grantor's parcel, a distance of 22.58 feet; thence S89°34'29"W along a line being 30.00 feet South and parallel with an existing transmission line, a distance of 22.95 feet to a point on the East right-of-way of Tipperary Road (66 feet wide); thence N01°26'29"E along said right-of-way line, a distance of 22.61 feet to the intersect point with the South right-of-way line of said S. Hill Road (variable width); thence N89°38'19"E along said South right-of-way line, a distance of 22.94 feet to the POINT OF BEGINNING (P.O.B.).

The above described easement contains 518 sqft / 0.01 acres, more or less, and is subject to any and all reservations, restrictions, rights-of-way, and easements, and prior conveyances of record.

BEARINGS ARE BASED ON THE MICHIGAN STATE PLANE COORDINATE SYSTEM, NORTH ZONE, INTERNATIONAL FEET, GRID DISTANCE



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EXHIBIT A	
Page 2 of 2	DATE:2/28/2024
SKETCH SCALE: N/A	
Job # 231081-B	

8-29-24 Final Final

Item 8.



GOOD FAITH OFFER PAYMENT WORKSHEET & SUMMARY (Just Compensation)

ATC File Number: OMD-NBL0570 Line Designation: OMDY11 Date: 08/28/2024

LANDOWNER INFORMATION:

OWNER: The City of Gladstone, a Michigan Municipal Corporation

Address: 1100 Delta Avenue Gladstone, MI 49837

Phone #: \_\_\_\_\_

347.0000 X 141.0000 = 0.6300 acre X \$35,000.00 / acre = \$22,050.00
length width acres\* Price per acre Value of land

\$ value of land X Easement factor (0-1.0) = \$ value of easement acquisition

Table with 2 columns: Description and Amount. Rows include Payment for Easement Compensation (\$22,100.00), Incentive Payment (\$2,500.00), Payment for permission to apply herbicide (\$1,500.00), Misc. payments described below, and Total Payments (\$26,100.00).

Note: The price per acre is based upon a sales/market study of land values prepared by Steigerwaldt Land Services, Inc. and dated October 2023



## Signing Bonus

This instrument is executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the undersigned grantor, whether one or more (herein collectively referred to as "Landowner") and American Transmission Company LLC, a Wisconsin limited liability company, by its corporate manager, ATC Management Inc. (herein collectively referred to as "ATC").

WHEREAS, ATC is acquiring an easement for electric line purposes over, under, and across certain real estate owned by the Landowner and located in the City of Gladstone, County of Delta, State of Michigan; and

WHEREAS, ATC is willing to pay to the Landowner \$2,500.00 in addition to the just compensation for the easement interest, in exchange for the Landowner signing both the easement and the Signing Bonus document within 45 days of receipt of the initial offer package; and

WHEREAS, the Landowner has signed the easement within 45 days of receipt of the initial offer package;

This Agreement is binding and non-negotiable.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Grantor City of Gladstone**

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name and Title

**SUPPLEMENTAL ELECTRIC  
TRANSMISSION LINE EASEMENT**

For and in consideration of the sum of \$1.00 and other good and valuable consideration, to them paid, the receipt whereof is hereby acknowledged, the undersigned owner The City of Gladstone, a Michigan Municipal Corporation, 1100 Delta Avenue, Gladstone, MI 49837 (hereinafter called the "Grantor"), and the American Transmission Company LLC, a Wisconsin limited liability company, and its manager ATC Management Inc, a Wisconsin Corporation, P.O. Box 47, Waukesha, WI 53187-0047, (hereinafter called the "Grantee").

WHEREAS, Grantee has previously acquired certain easement rights over and across lands of grantors pursuant to an easement granted by the City of Gladstone, a Michigan Municipal Corporation to American Transmission Company LLC, a Wisconsin limited liability company, dated December 12, 2003, and recorded in the Office of the Register of Deeds in and for Delta County, State of Michigan, on the 15th day of December 2003, in Liber 745, Page 411-414 (hereinafter referred to as the "Original Easement").

WHEREAS, said Original Easement affected premises located in the Southwest 1/4 of the Northwest 1/4, Section 21, Township 40 North, Range 22 West, City of Gladstone, Delta County, Michigan, and the location of the Original Easement is shown on the Exhibit "A", attached hereto and incorporated by reference in this easement document WHEREAS, pursuant to such Original Easement, Grantee acquired the right, permission and authority to construct, erect and maintain an electric transmission line, comprised of structures, conductors and other wires, counterpoises, guy wires, braces and other usual appendages and appurtenances for the purpose of transmitting electric energy upon a strip of land of the Grantor described as all of the property contained in the easement owned by the grantors described as: Part of the Southwest 1/4 of the Northwest 1/4, Section 21, Township 40 North, Range 22 West, City of Gladstone, Delta County, Michigan

WHEREAS, Grantee desires to expand the width of the easement to 30 feet on either side of the easement centerline, (hereinafter this additional easement area is referred to as the "Expanded Easement Area". The purpose of this easement is to clearly define the combined width of the Original Easement and the Expanded Easement Area as 60 feet (30 feet on either side of the centerline). The centerline of the Original Easement remains the same. Grantee shall be permitted to use the Expanded Easement Area in the same manner and for the same purposes granted in the Original Easement. It is understood and agreed that the rights acquired herein are intended to be supplemental to and in addition to those previously acquired and that all other provisions of the Original Easement shall remain in full force and effect.

The right, permission and authority is also granted to Grantee to cut down and remove or trim all trees and overhanging branches now or hereafter existing in both the Original Easement and Expanded Easement Area. Additionally, to cut down and remove brush, for purposes of brush control, and to cut down and remove or trim such trees now or hereafter existing on the property of Grantor located outside of said Expanded Easement Area "hazard tree(s)" defined as those trees or tree parts that may be located on Grantor's Property that are dead, dying, diseased, decayed or leaning and which in Grantee's judgment pose a threat to the safe and reliable operation of the said Electric Transmission Facilities of the Grantee;, together with the right, permission and authority to enter in a reasonable manner upon property of Grantor for such purposes.

The Grantor covenants and agrees that no structures will be erected, or inflammable material placed or accumulated, or trees planted in either the Original Easement or said Expanded Easement Area, and Grantor further covenants and agrees that the elevation of the existing ground surface within either the Original



Easement or said Expanded Easement Area will not be altered by more than one (1) foot without the written consent of Grantee.

Grantee and its agents shall have the right, permission and authority to enter upon both the Original Easement and said Expanded Easement Area for the purpose of constructing, patrolling, repairing, maintaining and replacing said transmission line facilities and exercising the rights herein acquired.

Grantor warrants and represents that Grantor has good title to the property subject to this easement and that the same are free and clear from all liens except:

None

And is subject to taxes, easements, covenants and conditions of record, municipal and zoning ordinances; And will forever warrant and defend this easement against all and every person or persons lawfully claiming the whole or any part thereof.

It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised for some time in the future, and that none of the rights herein granted shall be lost by non-use for any length of time. This perpetual easement is binding upon the heirs, successors and assigns of the parties hereto, and shall run with the lands described herein.

**This instrument is exempt from Michigan Real Estate Transfer Tax by reason of MCLA 207.526(f) and MCLA 207.505(f)**

**Signature page to follow**

IN WITNESS WHEREOF, we have hereunto set our hands and seals this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

GRANTOR City of Gladstone

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Printed Name and Title

**ACKNOWLEDGMENT**

STATE OF MICHIGAN     )  
  )SS  
COUNTY OF \_\_\_\_\_)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
\_\_\_\_\_, and \_\_\_\_\_ of the above-named The City of Gladstone, a Michigan Municipal Corporation known to be the person(s) who executed the foregoing instrument and to me known to be such \_\_\_\_\_ and \_\_\_\_\_ of said entity, and acknowledged that they executed the foregoing instrument as such officer(s), as the deed of said entity, by its authority.

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Printed Name of Notary

Notary Public, \_\_\_\_\_ County, State of Michigan

Acting in \_\_\_\_\_ County, State of Michigan

My Commission expires (is) \_\_\_\_\_

This instrument was drafted by Becky Welch and checked by Keith Frank Jr on behalf of the American Transmission Company, LLC PO Box 47, Waukesha, WI 53187-0047.

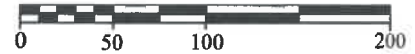
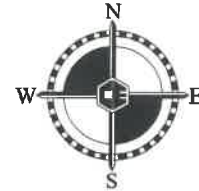
Return to:  
Steigerwaldt Land Services, Inc.  
856 North 4<sup>th</sup> St.  
Tomahawk, WI 54487  
Attn: Real Estate Department

OMD-NBL0570

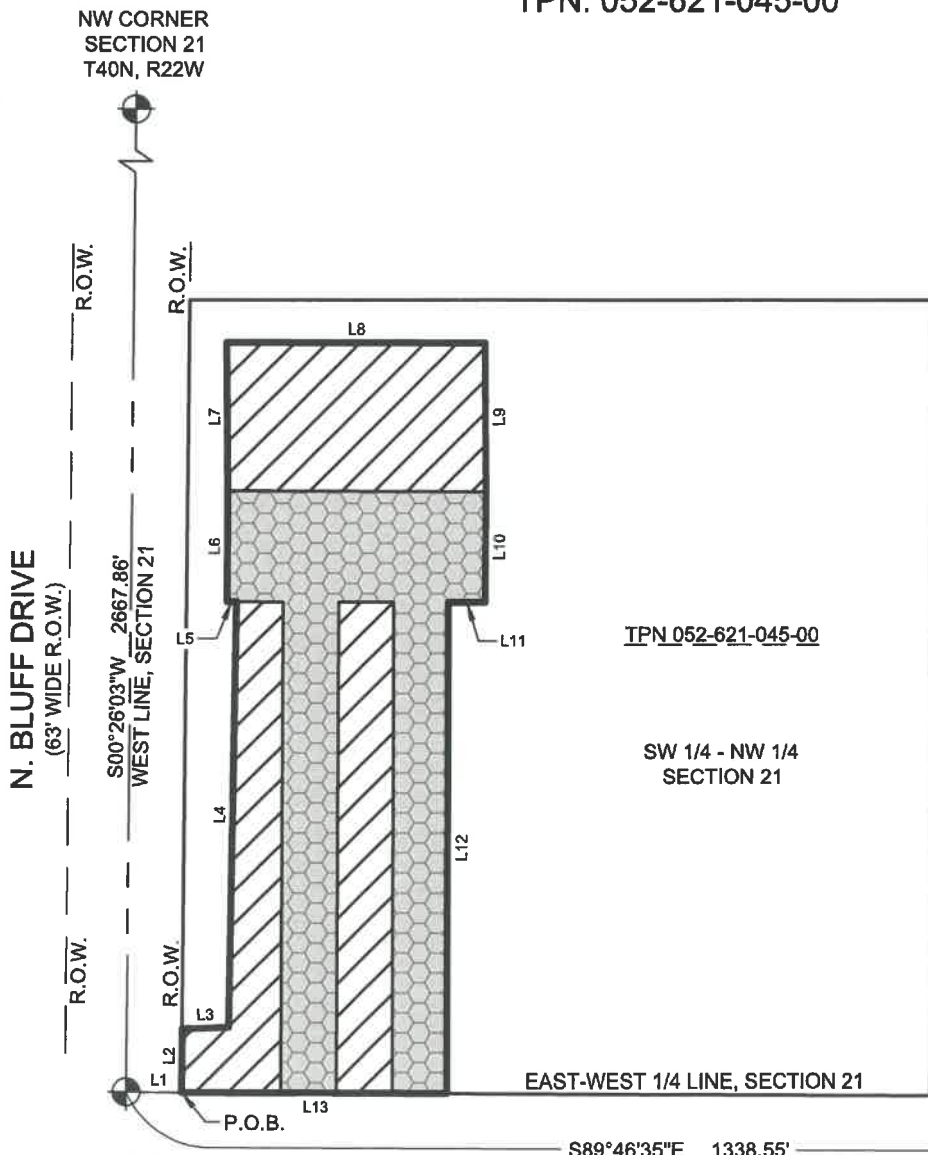
# EASEMENT DESCRIPTION MAP (EXHIBIT A)

ATC ID: OMD-NBL0570

TPN: 052-621-045-00



1 INCH = 100 FEET



TPN 052-621-045-00

SW 1/4 - NW 1/4 SECTION 21

Line Table		
Line #	Bearing	Distance
L1	S89° 46' 35"E	30.00'
L2	N00° 26' 03"E	34.48'
L3	N87° 52' 03"E	24.82'
L4	N00° 54' 15"E	230.62'
L5	N89° 50' 12"W	4.95'
L6	N00° 09' 48"E	60.00'
L7	N00° 33' 54"W	80.59'
L8	S89° 50' 03"E	140.01'
L9	S00° 33' 32"E	80.59'
L10	S00° 09' 48"W	59.95'
L11	N89° 58' 51"W	20.17'
L12	S00° 01' 09"W	266.22'
L13	N89° 46' 35"W	143.50'

C-W 1/16 CORNER SECTION 21 T40N, R22W

W 1/4 CORNER SECTION 21 T40N, R22W

S89°46'35"E 1338.55'

**LEGEND**

- PLSS CORNER
- P.O.B. TPN
- GRANTOR PARCEL LINE
- RIGHT OF WAY LINE
- TRANSMISSION CENTERLINE

**MAP KEY**

- ATC NEW EASEMENT AREA (27,299 SQFT / 0.63 ACRES ±)
- ATC EXISTING EASEMENT AREA, L.754, PG. 411, BASIS ID 556276 (24,370 SQFT / 0.56 ACRES ±)
- ATC TOTAL EASEMENT AREA (51,669 SQFT / 1.19 ACRES ±)

CITY OF GLADSTONE, DELTA COUNTY

**NOTE** - BEARINGS ARE BASED ON THE MICHIGAN STATE PLANE COORDINATE SYSTEM, NORTH ZONE, INTERNATIONAL FEET, GRID DISTANCE. THIS DRAWING SHOULD BE USED ONLY AS A REPRESENTATION OF THE LOCATION OF THE EASEMENT BEING CONVEYED. THE EXACT LOCATION OF ALL STRUCTURES, LINES AND APPURTENANCES IS SUBJECT TO CHANGE WITHIN THE BOUNDARIES OF THE RIGHTS-OF-WAY HEREIN GRANTED.



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 www.coleman-engineering.com



**EXHIBIT A**

Page 1 of 2 DATE:8/27/2024

SKETCH SCALE: 1" = 100'

Job # 231081-B

# EASEMENT DESCRIPTION MAP (EXHIBIT A)

ATC ID: OMD-NBL0570

TPN: 052-621-045-00

### EASEMENT DESCRIPTION MAP (EXHIBIT A)

A variable width easement which crosses the Grantor's premises, being part of the Southwest Quarter of the Northwest Quarter (SW 1/4 - NW 1/4) of Section 21, Township 40 North, Range 22 West, City of Gladstone, Delta County, Michigan, more particularly described as follows:

Commencing at the West Quarter (W 1/4) Corner of said Section 21; thence S89°46'35"E along the East-West Quarter line of said Section 21, a distance of 30.00 feet to a point on the East right-of-way line of N. Bluff Drive (63' wide), and the POINT OF BEGINNING (P.O.B.).

Thence N00°26'03"E along said East right-of-way line, a distance of 34.48 feet; thence N87°52'03"E, a distance of 24.82 feet; thence N00°54'15"E, a distance of 230.62 feet; thence N89°50'12"W, a distance of 4.95 feet; thence N00°09'48"E, a distance of 60.00 feet; thence N00°33'54"W, a distance of 80.59 feet; thence S89°50'03"E, a distance of 140.01 feet; thence S00°33'32"E, a distance of 80.59 feet; thence S00°09'48"W, a distance of 59.95 feet; thence N89°58'51"W, a distance of 20.17 feet; thence S00°01'09"W, a distance of 266.22 feet to a point on the East-West Quarter line of said Section 21; thence N89°46'35"W along said line, a distance of 143.50 feet to the POINT OF BEGINNING (P.O.B.).

The above described easement contains 51,669 sqft / 1.19 acres, more or less, and is subject to any and all reservations, restrictions, rights-of-way, and easements, and prior conveyances of record.

BEARINGS ARE BASED ON THE MICHIGAN STATE PLANE COORDINATE SYSTEM, NORTH ZONE, INTERNATIONAL FEET, GRID DISTANCE



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EXHIBIT A	
Page 2 of 2	DATE:8/27/2024
SKETCH SCALE: N/A	
Job # 231081-B	

GLADSTONE



City of Gladstone, MI

1100 Delta Avenue  
Gladstone, MI 49837  
www.gladstonemi.org

MEETING TYPE  
STAFF REPORT

Agenda Date: 09-09-2024

Eric Buckman, City  
Manager:

Department: \_\_\_\_\_  
City Commission

Department Head Name: \_\_\_\_\_

Presenter: \_\_\_\_\_  
Mayor Thompson

Kim Berry, City Clerk: \_\_\_\_\_

**This form and any background material must be approved by the City Manager, then delivered to the City Clerk by 4:00 PM the Tuesday prior to the Commission Meeting.**

**AGENDA ITEM TITLE:**

National See Tracks? Think Train Week Proclamation

**BACKGROUND:**

**FISCAL EFFECT:**

**SUPPORTING DOCUMENTATION:**

**RECOMMENDATION:**

Mayor read proclamation on behalf of City Commission.

**Proclamation**  
**National See Tracks? Think Train® Week**

**WHEREAS** See Tracks? Think Train® Week is to be held across the U.S. from September 23 to 29, 2024;

**WHEREAS**, 2,192 rail grade crossing collisions resulted in 765 personal injuries and were responsible for 248 fatalities in the United States during 2023; and

**WHEREAS**, 1,378 pedestrian trespassing casualties have occurred in the United States resulting in 663 pedestrians being killed and another 715 injured while trespassing on railroad property rights of way during 2023; and

**WHEREAS**, educating and informing the public about rail safety (reminding the public that railroad right of ways are private property, enhancing public awareness of the dangers associated with highway rail grade crossings, ensuring pedestrians and motorists are looking and listening while near railways, and obeying established traffic laws) will reduce the number of avoidable fatalities and injuries caused by incidents involving trains and citizens; and

**WHEREAS**, the International Association of Chiefs of Police, National Operation Lifesaver Inc., United States Department of Transportation, and all local, state, county, and railroad law enforcement officers, first responders, and railroad corporations commit to partnering together in an effort to educate at a national level all aspects of railroad safety, to enforce applicable laws in support of National See Tracks? Think Train® Week;

**THEREFORE**, the Gladstone City Commission do hereby attest our full support proclaiming September 23<sup>rd</sup> to 29<sup>th</sup>, 2024, National See Tracks? Think Train® Week and I encourage all citizens to recognize the importance of rail safety education.

---

Mayor Joe Thompson

City of Gladstone



GLADSTONE



**City of Gladstone, MI**

1100 Delta Avenue  
Gladstone, MI 49837  
www.gladstonemi.org

**MEETING TYPE  
STAFF REPORT**

**Agenda Date:** September 09, 2024

**Eric Buckman, City  
Manager:**

**Department:** Water

**Department Head Name:**

Robert Spreitzer

**Presenter:** Robert Spreitzer

**Kim Berry, City Clerk:**

**This form and any background material must be approved by the City Manager, then delivered to the City Clerk by 4:00 PM the Tuesday prior to the Commission Meeting.**

**AGENDA ITEM TITLE:** Additional Charges to Delta / Minnesota Watermain and service lines project.

**BACKGROUND:** This project was awarded to DeGrand Construction on 4/8/2024. Their approved bid was \$233,470 to install new 8” watermain from 14<sup>th</sup> Street to 12th Street and complete 29 service connections, 18 of these connections were to include full-service line replacement as per the State of Michigan Lead Copper Rules. During construction it was discovered that a service not included in the bid was galvanized not copper and required replacement. This additional push bore not included in the bid adds an additional \$5,700 to the project cost.

**FISCAL EFFECT:** This project was approved in the 2024-25 budget.

**SUPPORTING DOCUMENTATION:** Please see the attached invoice from DeGrand Construction.

**RECOMMENDATION:** Make motion to approve the additional \$5,700 for the Push Bore not included in the Bid.

# DeGrand Construction Inc.



# INVOICE Item 10.

Date: 9/3/24

Job: 2024 Delta-Minnesota Watermain and Service line replacement

Excavation & Site Work Contractor  
 4708 Hwy. 2 & 41  
 Escanaba, MI 49829  
 906-786-8038

**BILL TO:**

City of Gladstone  
 Attn. Rob Spreitzer

DATE	DESCRIPTION	CHARGES	CREDITS	AMOUNT
	Install new 8" watermain and service lines to houses from 12 <sup>th</sup> -14 <sup>th</sup> street. Per Bid on 3/6/24	\$233,470.00		\$233,470.00
	Additional Push Bore @1225 Delta ave. Not included In Bid	\$5,700.00		\$5,700.00
	1 1/2% PER MONTH SERVICE CHARGE AFTER 30 DAYS.			
		<b>Total Due: \$239,170.00</b>		





# City of Gladstone, MI

1100 Delta Avenue  
Gladstone, MI. 49837  
www.gladstonemi.org

## Staff Report

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Agenda Date: 09-09-2024                      Eric Buckman, City Manager: \_\_\_\_\_  
 Department: Elections                      Department Head Name: \_\_\_\_\_  
 Presenter: Kim Berry                      Kim Berry, City Clerk: \_\_\_\_\_

**This form and any background material must be approved by the City Manager then delivered to the City Clerk by 4:00 PM the Tuesday prior to the Commission Meeting.**

**AGENDA ITEM TITLE:**

Authorize City Clerk to appoint Election Inspectors for the November 5, 2024 State General Election

**BACKGROUND:**

Election inspectors must be appointed for the November 5, 2024 State General Election for Precincts 1, 2 Absent Voter Counting Board for Precincts 1 & 2, Receiving Board, Public Accuracy Testing and Early Voting Precinct.

**FISCAL EFFECT:**

Election workers payroll which is budgeted.

**SUPPORTING DOCUMENTATION:**

None

**RECOMMENDATION:**

Authorize City Clerk, Kim Berry to appoint the necessary election inspectors as needed for November 5, 2024 State General Election for Precinct 1, 2, Absent Voter Counting Board for Precincts 1 & 2, Receiving Board, Public Accuracy Testing and Early Voting Precinct.



# City of Gladstone, MI

1100 Delta Avenue  
Gladstone, MI. 49837  
www.gladstonemi.org

## Staff Report

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Agenda Date: 09-09-2024                      Eric Buckman, City Manager: \_\_\_\_\_  
 Department: City Commission              Department Head Name: \_\_\_\_\_  
 Presenter: Mayor Thompson                Kim Berry, City Clerk: \_\_\_\_\_

**This form and any background material must be approved by the City Manager then delivered to the City Clerk by 4:00 PM the Tuesday prior to the Commission Meeting.**

**AGENDA ITEM TITLE:**

Parks & Recreation Board Appointment – Mr. Roger Aho

**BACKGROUND:**

Mr. Roger Aho has had application on file since August 25, 2022 to be on the Parks & Recreation Advisory Board. The Board currently has a vacancy with a term expiration of January 1, 2026.

**FISCAL EFFECT:**

None

**SUPPORTING DOCUMENTATION:**

Application

**RECOMMENDATION:** Motion to appoint of Mr. Roger Aho to the Parks & Recreation Board with a term expiration of January 1, 2026

STATE OF MICHIGAN

IN THE 94<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE COUNTY OF DELTA

MICHAEL O'CONNOR.,

Plaintiff.

V

Case number: 24 SC 000468  
Honorable Steven C Parks

CITY OF GLADSTONE.

Defendant.

\_\_\_\_\_ /

**ORDER OF DISMISSAL**

The parties appeared before the Court on August 23, 2024.

The case involves a dispute regarding the cost of an appeal under the Property Maintenance code. Plaintiff O'Connor admitted that no appeal fees were paid. Plaintiff requested that the Court either grant judgment for the cost of the appeal fee or issue an advisory opinion indicating that the \$75.00 property maintenance appeal fee was improperly adopted and implemented.

Pursuant to MCL 600.8401 the jurisdiction of the small claims division of District Court is "confined to cases for the recovery of money..." Moreover, the District Courts equitable jurisdiction is limited by MCL 600.8302.

Since Plaintiff has not sustained damages and the Court lacks jurisdiction to render an advisory opinion or declaratory judgment:

**IT IS HEREBY ORDERED** that the matter is dismissed without prejudice.

August 30, 2024

Date

  
\_\_\_\_\_

Honorable Steven C Parks

P34813

CERTIFICATE OF MAILING: I certify that on this date I served a copy of this order on the parties or their attorneys by first-class mail addressed to their last known addresses as defined in MCR 2.107(C)(3)

9-3-24  
Date

  
\_\_\_\_\_

Deputy clerk

STATE OF MICHIGAN

IN THE 94<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE COUNTY OF DELTA

RECEIVED  
AUG 29 2024

CHARLES & DEANNA KANG.,

Plaintiff.

BY: .....

V

Case number: 24 SC 000426

Honorable Steven C Parks

CITY OF GLADSTONE.

Defendant.

\_\_\_\_\_ /

ORDER OF DISMISSAL

IT IS HEREBY ORDERED that the case is dismissed without prejudice for the reason that the Court lacks jurisdiction under MCL 600.8401.

August 26, 2024  
Date

  
\_\_\_\_\_  
Honorable Steven C Parks P34813

CERTIFICATE OF MAILING: I certify that on this date I served a copy of this judgment on the parties or their attorneys by first-class mail addressed to their last known addresses as defined in MCR 2.107(C)(3)

8/26/2024  
Date

D. Poitevint  
Deputy clerk



P.O. Box 30754  
LANSING, MICHIGAN 48909

DANA NESSEL  
ATTORNEY GENERAL

September 6, 2024

**By email only**

Honorable Gretchen Whitmer  
Governor, State of Michigan  
The George Romney Building  
Lansing, MI 48909

Attention: Christina Grossi  
Legal Counsel to the Governor

**Re: City of Gladstone Charter Amendment proposed by Initiative  
Petition**

Chapter XI (Special Assessments) – removes the city’s authority to levy and collect special assessments by abrogating Sections 2 through 28 and stating in Section 1 that the city commission shall not have the power to levy and collect special assessments and that the city shall immediately cease all actions to collect any special assessment

Dear Governor Whitmer:

You have requested review of the referenced initiative petition that proposes an amendment to the Gladstone city charter for the November ballot to revoke the authority of the city to levy and collect special assessments.

It is my understanding from an attorney for the city that the city clerk has determined that the initiative petition is supported by sufficient valid signatures for submission to the city voters. See Section 25 of the Home Rule City Act (HRCA), 1909 PA 279, MCL 117.1 *et seq.*, for the signature requirements for charter amendments proposed by an initiative petition.

The proposed amendment

The proposed amendment removes the city’s authority to levy and collect special assessments by abrogating Sections 2 through 28 of Chapter XI (Special Assessments) and stating in Section 1 the city commission shall not have the power to levy and collect special assessments and that the city shall immediately cease all actions to collect any special assessment.

Section 4d(1) of the HRCA gives a city the option of including in its charter a provision for imposing special assessments for the costs, or a portion of the costs, for

Honorable Gretchen Whitmer

Page 2

Gladstone charter amendment by initiative petition

September 6, 2024

a public improvement made in a special assessment district. Accordingly, it is up to each city to determine whether to have a charter provision that authorizes the city to provide for special assessments.

Based on the foregoing analysis, I have reviewed the proposed amendment in light of the Home Rule City Act (HRCA), 1909 PA 279, MCL 117.1 *et seq.*, and conclude that the proposed amendment is consistent with that act.

In the circumstances, as here, of a proposed amendment by initiative petition, it is noted that even if the Governor declines to approve the proposal, Section 22 of the HRCA, nevertheless, requires the proposal to be submitted for voter approval.

The ballot language for the proposed amendment

The Attorney General has a separate responsibility to review the ballot language for compliance with the requirements of Section 21(2) of the HRCA, which mandate that the ballot language be limited to 100 words exclusive of caption, and accurately and impartially describe the proposed amendment. I have examined the ballot language for the proposed amendment set forth in the city council's resolution of August 12, 2024, and conclude that the ballot language conforms to the requirements of Section 21 of the HRCA.

Sincerely,

*/s/George M. Elworth*

George M. Elworth  
Assistant Attorney General  
State Operations Division  
(517) 335-7573

GME:bjb

Enc: Correspondence from the Governor's office dated 8-13-24

cc with enc. *by email only*:

Kimberley Berry, Gladstone city clerk, [kberry@gladstonemi.gov](mailto:kberry@gladstonemi.gov)  
Steven Mann, Attorney for Gladstone, [mann@millercanfield.com](mailto:mamm@millercanfield.com)  
Kristina Gierhart, Executive Assistant, Governor's Office,  
[GierhartK1@michigan.gov](mailto:GierhartK1@michigan.gov)

2024-0409091-A



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

August 13, 2024

George Elworth  
Attorney General's Office  
State Operations Division  
G. Mennen Williams Building  
Second Floor

**RE: Proposed Charter Amendment via Initiative Petition – City of Gladstone**

Dear Mr. Elworth,

Enclosed please find a proposed charter amendment from the City of Gladstone for your legal review.

I have included a copy of my cover letter to the City Clerk for the City of Gladstone, Kimberly Berry, for your files. Please let me know if our office may provide you with any further information.

Sincerely,

*/s/ Kristina Gierhart*

Kristina Gierhart  
Executive Assistant and Extradition Coordinator  
Office of Governor Whitmer  
(517) 241-5630

c: Attorney General's Office, State Operations Division



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

August 13, 2024

Kimberly Berry  
City Clerk  
City of Gladstone  
1100 Delta Ave.  
Gladstone, MI 49837

**Re: Proposed Charter Amendment via Initiative Petition– City of Gladstone**

Dear Ms. Berry,

On behalf of Governor Whitmer, I am responding to your email and attachment dated August 12, 2024. I am forwarding your information to the Attorney General's Office for legal review of the proposed charter amendment for the City of Gladstone. Our office will respond upon completion of that review and recommendation.

Please note that we recommend submission at least 60 days prior to the filing deadline to ensure sufficient time for review and consideration. I've attached here for your records a letter from the Governor's Office of Legal Counsel with additional information on this timeline.

Please contact me if you have any questions or concerns.

Sincerely,

*/s/ Kristina Gierhart*

Kristina Gierhart  
Executive Assistant  
Office of Governor Whitmer

c: Attorney General's Office, State Operations Division





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

August 30, 2021

**VIA EMAIL**

Michigan Association of Municipal Clerks  
120 N. Washington Square  
Suite 110A  
Lansing, MI 48933

**RE: Charter Amendments and Revisions**

Dear Colleagues,

I am writing to request your assistance in notifying municipalities across Michigan of our administration's policy and recommendations regarding charter amendments and revisions.

Under the Home Rule City Act (MCL 117.22) the Governor has the responsibility to review all proposed charter amendments and revisions before any such amendment or revision is presented to the electors. Separately, under Michigan Election Law (MCL 168.646a) municipalities must submit ballot language regarding a proposed charter amendment or revision to the local clerk for certification not later than 4 p.m. on the twelfth Tuesday before the election.

It is a priority of Governor Whitmer's administration to review and respond to proposals by or before this first election filing deadline. It has also been our practice to request the Department of Attorney General review all submissions to our office for compliance with state law. This review takes time and historically guidance has recommended materials be submitted 60 – 90 days prior to the filing deadline to ensure sufficient time to review.

Starting in 2022, our office **will not approve proposed charter amendments or revisions after 4 p.m. on the twelfth Tuesday before the election.** (We will approve changes that fix scrivener's errors for charter amendments and revisions already approved by the deadline.)

We therefore strongly recommend submission of all proposed charter amendments to our office at least **60 days prior** to the filing deadline and strongly recommend submission of all proposed charter revisions to our office at least **90 days prior** to the filing deadline. We are requesting your assistance in notifying municipalities across Michigan of this policy and request.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

Proposed amendments and revisions can be sent to our office via email at [Gretchen.Whitmer@michigan.gov](mailto:Gretchen.Whitmer@michigan.gov).

While we prefer email submission, we will also accept submissions sent via mail to:

Governor Gretchen Whitmer  
ATTN: Legal Division  
George W. Romney Building  
111 S. Capitol Avenue  
Lansing, MI 48933

Please note, the Department of Attorney General has an independent obligation to review proposed ballot language under the Home Rule City Act. The Department of Attorney General will continue using their historical process moving forward. For questions about the Department of Attorney General's process, please contact Assistant Attorney General George Elworth at (517) 335-7573 or [ElworthG@michigan.gov](mailto:ElworthG@michigan.gov).

Thank you for your hard work on behalf of Michiganders and for your continued partnership and commitment to improving the lives of residents. If you have questions on the Governor's process, please feel free to contact Kristina Gierhart, Executive Assistant for the Governor's Office of Legal Counsel, at [GierhartK1@michigan.gov](mailto:GierhartK1@michigan.gov).

Sincerely,

Alicia Moon  
Deputy Legal Counsel  
Office of Governor Whitmer

- c: Michigan Municipal League
- Michigan Association of County Clerks
- Michigan Department of State, Bureau of Elections
- Michigan Association of Municipal Attorneys
- State Bar of Michigan, Government Law Section
- Department of Attorney General, State Operations Division

**From:** [Kim Berry](#)  
**To:** [Gierhart, Kristina](#)  
**Cc:** [Mann, Steven D.](#); [Eric Buckman](#)  
**Subject:** City of Gladstone - Proposed Charter Amendment  
**Date:** Monday, August 12, 2024 9:28:03 PM  
**Attachments:** [Resolution No 2024-07 Approving Ballot Language for Peititioned Charter Amendment 08-12-2024.pdf](#)

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**CAUTION: This is an External email. Please send suspicious emails to  
abuse@michigan.gov**

Good Evening Ms. Gierhart,

Please find attached Resolution No. 2024-07 Approving Ballot Language for Petitioned Charter Amendment from the City of Gladstone for the required review by the Governor of the State of Michigan. Please advise if a hard copy mailing is required in addition to this email submission.

Thank you,  
Kim

Kimberly Berry, MiPMC  
Gladstone City Clerk  
906-428-2311 x 6  
kberry@gladstonemi.gov

**RESOLUTION 2024-07  
APPROVING BALLOT LANGUAGE FOR  
PETITIONED CHARTER AMENDMENT**

**CITY OF GLADSTONE**  
County of Delta, State of Michigan

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Minutes of a regular meeting of the City Commission of the City of Gladstone, County of Delta, State of Michigan, held on the 12th day of August, 2024, at 6:00 p.m. Eastern Daylight Time.

**PRESENT:** Mayor Joe Thompson, Commissioners Brad Mantela, Stephen O’Driscoll and Robert Pontius

**ABSENT:** Commissioners Judy Akkala - Excused

The following resolution was offered by Commissioner Brad Mantela and supported by Mayor Joe Thompson:

WHEREAS, Chapter XI, Special Assessments, of the City Charter of the City of Gladstone, County of Delta, State of Michigan (the “City”) authorizes the City to levy and collect special assessments upon property specially benefitted from certain public improvements; and

WHEREAS, the City Clerk has received an initiatory petition proposing an amendment to the charter to remove the City’s authority to levy and collect special assessments by abrogating Sections 2 through 28 and amending the text of Section 1 to read: “The commission shall not have the power to levy and collect special assessments. The City of Gladstone shall immediately cease all actions to collect any special assessment.”; and

WHEREAS, a copy of the initiatory petition, which has no reverse side, is attached hereto at Exhibit A; and

WHEREAS, the City Clerk has certified the sufficiency of the petition; and

WHEREAS, the initiatory petition does not set forth the question on the proposed amendment to be submitted to the voters, and, therefore, it is appropriate for the City Commission to approve the ballot question for the proposed amendment; and

WHEREAS, the proposal is required to be submitted to the qualified electors of the City at the 2024 general election to be held in the City on Tuesday, November 5, 2024 (the “2024 General Election Date”).

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. Proposed Amendment: Chapter XI, Section 1. The initiatory petition proposes that Chapter XI, Section 1 of the Charter, be amended to read as follows:

Section 1 – [Power to levy and collect.]

The commission shall not have the power to levy and collect special assessments. The City of Gladstone shall immediately cease all actions to collect any special assessment.

2. Proposed Amendment: Existing Provisions. The existing Charter provisions, Chapter XI, Sections 1-28 which would be altered or abrogated by the proposed charter amendment, if adopted, now read as shown on Exhibit B, attached hereto and incorporated herein by reference.

3. Form of Ballot Proposal. The proposed amendment shall be submitted to the electors in the following form:

**PROPOSED GLADSTONE CHARTER AMENDMENT TO REMOVE  
THE CITY’S POWER TO LEVY AND COLLECT SPECIAL  
ASSESSMENTS**

It is proposed by an initiative petition that Chapter XI, Special Assessments, be amended to remove the city’s authority to levy and collect special assessments by abrogating Sections 2 through 28 and replacing the text of Section 1 with: “The commission shall not have the power to levy and collect special assessments. The City of Gladstone shall immediately cease all actions to collect any special assessment.”

Shall the proposed amendment be adopted?

YES

NO

3. Submission to the Governor and Attorney General. The City Clerk shall transmit copies of this resolution to the Governor of the State of Michigan for approval of the proposed amendment and to the Attorney General of the State of Michigan for approval of the proposed ballot language, as required by law.

4. Submission at the General Election. The proposal shall be, and the same is hereby ordered to be, submitted to the qualified electors of this City at a general election to be held on November 5, 2024, and the City Clerk is hereby directed to give notice of the election and notice of registration thereof in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the charter amendment to the vote of the electors as required by law.

5. Publication. The proposed charter amendment shall be published in full together with the existing charter provisions altered or abrogated thereby as part of the notice of election.

6. Canvass. The canvass and determination of votes of said question shall be made in accordance with the laws of the State of Michigan and the City Charter of the City of Gladstone.

7. Repealer. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded.

The foregoing resolution was offered by Commissioner Brad Mantela and supported by Mayor Thompson.

AYES: Commissioners Brad Mantela, Stephen O’Driscoll, Robert Pontius and Mayor Joe Thompson

NAYS: None

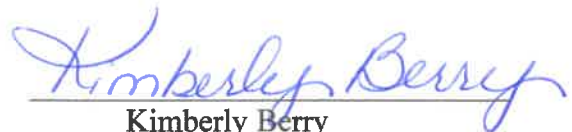
ABSENT: Judy Akkala - Excused

**RESOLUTION DECLARED ADOPTED.**



Kimberly Berry  
City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Gladstone, County of Delta, State of Michigan, at a regular meeting held on the 12th day of August, 2024, and that public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by said Act.



Kimberly Berry  
City Clerk

# EXHIBIT A

## INITIATORY PETITION

**INSTRUCTIONS ON REVERSE SIDE**

- The circulator of this petition is (check one)
- A paid signature gatherer
  - A volunteer signature gatherer

### LOCAL PROPOSAL PETITION

City of

Who, the undersigned qualified and registered elector, residents in the

City of Delta

State of Michigan, respectively petition for:

Kim Berry, Gladstone City Clerk.

Michael O'Connor is interested in and responsible for the circulation of the petition and the securing of the amendment. I shall not have the power to levy and collect special assessments. The City of Gladstone shall immediately cease all actions to collect any special assessment.

**WARNING - A PERSON WHO KNOWINGLY SIGNS THIS PETITION MORE THAN ONCE, SIGNS A NAME OTHER THAN HIS OR HER OWN, SIGNS WHEN NOT A QUALIFIED AND REGISTERED ELECTOR, OR SETS OPPOSITE HIS OR HER SIGNATURE ON A PETITION, A DATE OTHER THAN THE ACTUAL DATE THE SIGNATURE WAS AFFIXED, IS VIOLATING THE PROVISIONS OF THE MICHIGAN ELECTION LAW.**

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	MONTH	DAY	YEAR
<i>[Signature]</i>	<u>Robert H. H. H.</u>	<u>209 Windsor Ave</u>	<u>49837</u>	<u>6</u>	<u>2</u>	<u>2024</u>
<i>[Signature]</i>	<u>GARY GRAY</u>	<u>204 SOUTH 3RD ST</u>	<u>49837</u>	<u>6</u>	<u>2</u>	<u>2024</u>
<i>[Signature]</i>	<u>Linda Black</u>	<u>206 S 3RD ST</u>	<u>49837</u>	<u>6</u>	<u>2</u>	<u>2024</u>
<i>[Signature]</i>	<u>Linda Anderson</u>	<u>215 W Main Ave</u>	<u>49837</u>	<u>6</u>	<u>2</u>	<u>2024</u>
<i>[Signature]</i>	<u>Heidi Wilber</u>	<u>1249 Madison Avenue</u>	<u>49837</u>	<u>6</u>	<u>2</u>	<u>2024</u>
<i>[Signature]</i>	<u>John Valencic</u>	<u>9131 Barkhore Dr. Gladstone</u>	<u>49837</u>	<u>6</u>	<u>2</u>	<u>2024</u>
<i>[Signature]</i>	<u>Elizabeth M. Valencic</u>	<u>1521 DAKOTA AVE</u>	<u>49837</u>	<u>6</u>	<u>2</u>	<u>2024</u>
<i>[Signature]</i>	<u>Tracy West</u>	<u>1715 Dakota Ave</u>	<u>49837</u>	<u>6</u>	<u>2</u>	<u>2024</u>
<i>[Signature]</i>	<u>Stephanie West</u>	<u>1715 Dakota Ave</u>	<u>49837</u>	<u>6</u>	<u>2</u>	<u>2024</u>
<i>[Signature]</i>	<u>Stephanie West</u>	<u>1407 Dakota Ave</u>	<u>49837</u>	<u>6</u>	<u>2</u>	<u>2024</u>

**CERTIFICATE OF CIRCULATOR**

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen, that each signature on the petition was signed in his or her presence, that he or she has neither caused nor permitted a person to sign the petition more than once and that no knowledge of a person signing the petition more than once, and that, to his or her best knowledge, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered voter of the City or Township listed on the heading of the petition, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross (X) or check mark (✓) in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

**WARNING-A CIRCULATOR KNOWINGLY MAKING A FALSE STATEMENT IN THE ABOVE CERTIFICATE, A PERSON NOT A CIRCULATOR WHO SIGNS AS A CIRCULATOR, OR A PERSON WHO SIGNS A NAME OTHER THAN HIS OR HER OWN AS CIRCULATOR IS GUILTY OF A MISDEMEANOR.**

**CIRCULATOR - DO NOT SIGN OR DATE CERTIFICATE UNTIL AFTER CIRCULATING PETITION.**

(Signature of Circulator) Michael Dilekuv (Date) 6 4 24

(Printed Name of Circulator) Michael Dilekuv

(Complete Residence Address (Street and Rural Route)) - Do not enter a post office box] 526 Milwaukee Ave

(City or Township, State, Zip Code) Delta MI 49837

(County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained by that petition circulator on that petition is invalid and will not be counted.

## **EXHIBIT B**

### **EXISTING CHARTER PROVISIONS**

#### Section 1 – [Power to levy and collect.]

The commission shall have the power to provide for the payment of all or any part of the cost of construction, reconstruction, repairs, operation or maintenance of any structure or work in the nature of public improvements by levying and collecting special assessments upon property specially benefitted. Such special assessments may be made payable in yearly installments for a period not exceeding 20 years.

#### Section 2 – [Public Improvements]

When the owners of the majority of the frontage of land are liable to be assessed in any special assessment district, or part of the city which may be constituted a special assessment district, the commission may order such improvements to be made. In other cases public improvements shall be made in the discretion of the commission.

#### Section 3 – [Costs and expenses approved to be defrayed by special assessment; exception.]

The cost and expense of any improvements which may be defrayed by special assessment shall include the cost of survey, plans, assessments, and cost of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed fifty percent of the value of such lot or land as last before valued and assessed by the state and county taxation in the general tax roll; any cost that would exceed that percent which would otherwise be chargeable upon that lot or premises shall be paid from the general funds of the city. The commission shall prescribe the fees that may be charged in the work of making any special assessment as a part of the assessment.

#### Section 4 – [Declaration by resolution of determination.]

When the commission shall determine to make any public improvement or repairs and defray the whole or part of the cost and expense thereof by special assessment, they shall so declare by resolution, stating the nature of the improvement and what part or proportion of the expenses thereof shall be paid by special assessment and what part, if any, shall be paid by the general funds of the city, and shall designate the district or lands and premises upon which the special assessment shall be levied.

#### Section 5 – [Estimates of expense; publication of notice.]

Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment, the commission shall cause estimates of the



expense thereof to be made, and also plat and diagram, when practicable, of the work and of the locality to be improved, and deposit the same with the clerk for public examination, and they shall give notice thereof, and of the proposed improvements, and of the district to be assessed, and of the time and place when the commission will meet and consider any objections thereto, by publication at least once five days prior to such meeting, in a newspaper published and circulated in the city.

Section 6 – [When made according to frontage or benefits.]

When any special assessment is to be made pro rata upon lots and premises in any special assessment district, according to frontage or benefits, the commission shall, by resolution, direct the same to be made by the assessor, and shall state therein the amount to be assessed and whether according to frontage or benefits, and describe or designate an assessment district comprising the lands to be assessed.

Section 7 – [Assessment roll.]

Upon receiving such orders and directions, the assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such property the amount to be assessed, in the manner directed by the commission and provisions of this Charter applicable to the assessment. In all cases where the ownership of any description is unknown to the assessor, he shall, in lieu of the name of the owner, insert the word "unknown," and if by mistake or otherwise any person shall be improperly designated as the owner of any lot or parcel of land or premises, or if the same shall be assessed without the name of the owner, such assessment shall not for any cause be vitiated, but shall in all respects be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the owner, and when the assessment shall have been confirmed it shall be a lien on such lot, parcel of land or premises, and collected as in this Charter provided.

Section 8 – [Division between each lot or parcel.]

If the assessment is required to be according to frontage, the assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length or front of such premises abutting upon the improvement bears to the whole frontage of all lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportioned to the estimated benefits resulting to such lot improvement. When he shall have completed the assessment roll, he shall report the same to the commission. Such report shall be signed by the assessor and may be in the form of a certificate, endorsed on the assessment roll, as follows:

State of Michigan,  
City of Gladstone

ss.

TO THE COMMISSION OF THE CITY OF GLADSTONE

I hereby certify and report that the foregoing is a special assessment roll and the assessment made by me, pursuant to a resolution of the commission of the said city, adopted on the \_\_\_\_\_ day of \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_, A.D. 19 \_\_\_\_\_, for the purpose of paying that part of the cost which the commission decided should be paid and borne by special assessment for the (insert here object of the assessment) and in making such assessment I have, as near as may be according to my best judgment, conformed in all things to the direction contained in the resolution of the commission hereinbefore referred to and the Charter of the city, relating to such assessment.

Dated

	____ Assessor
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Section 9 – [Expense incurred for separate or single lot, parcel or premises.]

When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this Charter, the commission is authorized to charge and collect as a special assessment against the same, and not being that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor, material or services for which such expense was incurred, verified by the manager, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the commission in such manner as they shall prescribe. The provisions of the preceding section of this Charter with reference to special assessments generally, and the proceedings necessary to be had before making the improvements, shall not apply to assessments to cover the expenses incurred in respect to that class of improvements contemplated in this section.

Section 10 – [Determination of expense amount chargeable.]

The commission shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment, and as often as the commission shall deem it expedient, they shall require all of the several amounts so reported and determined and the several lots or premises, and the persons chargeable therewith, respectively, to be reported by the clerk to the assessor for assessment.

Section 11 – [Special roll and levy.]

Upon receiving the report mentioned in the preceding section [10], the assessor shall make a special roll and levy as a special assessment therein upon each lot or parcel of land so reported to him and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid, to be levied upon each of such lots or premises respectively, and when completed, he shall report the assessment to the commission, and all the several assessments shall be kept separated.

Section 12 – [Filing and numbering of roll; publication of notice.]

When any special assessment roll shall be reported by the assessor to the commission, as in this Charter directed, the same shall be filed in the office of the clerk and numbered consecutively. Before adopting such assessment roll, the commission shall cause five days' notice to be published in some newspaper of the city of the filing of the same with the clerk, and appointing a time when the commission and the assessor will meet to review said assessment. Any person objecting to the assessment may file his objections thereto in writing with the clerk. The notice provided for in this section may be addressed to the persons whose names appear upon the special assessment roll and to all others interested therein, and may be in the following form:

"Notice of Special Assessment."

To (insert the names of the persons against whom the assessment appears) and to all other persons interested:

Take notice, that the roll of the special assessment heretofore made by the assessor for the purpose of defraying that part of the cost which the commission decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given that the commission and the assessor of the City of Gladstone will meet at the city hall in said city on \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated _____	
	____ City Clerk

Section 13 – [Meeting to review roll.]

At the time and place appointed for the purpose as aforesaid, the commission and assessor shall meet and there, or at some adjourned meeting, review the assessment roll, and shall hear any objections to any assessments which may be made by any person deeming himself aggrieved thereby, and the commission may correct said roll as to any assessment, or description of premises appearing therein, and may confirm it as reported, or as corrected, or they may refer the assessment back to the assessor for revision, or

annul it and direct a new assessment, in which case the same proceeding shall be held as in respect to the previous assessment. When a special assessment shall be confirmed, the clerk shall make an endorsement upon the roll, showing the date of confirmation.

Section 14 – [Confirmation.]

When any special assessment roll shall be confirmed by the commission it shall be final and conclusive.

Section 15 – [Lien upon lot or parcel of land after confirmation.]

All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the respective owners of the several parcels as assessed until paid.

Section 16 – [Division into installments; due annually.]

Upon the confirmation of any special assessments, the amount thereof may be divided into not more than 20 installments, one of which shall be collected each year, at such times as the commission shall determine, with annual interest at a rate not [to exceed the lawful interest rate], but the whole assessment after confirmation may be paid to the city treasurer at any time in full, with the accrued interest thereon, provided that no interest shall be charged until twenty days after confirmation.

Section 17 – [Due and payable upon confirmation; exception.]

All special assessments, except such installments thereof as the commission shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

Section 18 – [Invalidity; reassessment.]

In all cases of special assessments of any kind against any property where such assessments have failed to be valid in whole or in part, the commission shall be and they are hereby authorized to cause to be reassessed such special taxes or assessment, and to enforce their collection, and it is further provided that whenever, for any cause, mistake or inadvertence, the amount assessed shall not be sufficient to pay the cost of such improvements made and enjoined on the property, or on the owners of property in the local assessment district where the same are made, that it shall be lawful, and the commission is hereby directed and authorized to cause to be made, a reassessment upon all the property in each local assessment district to pay for such improvements and to continue requiring such reassessments until a valid and sufficient assessment shall have been made.

[Section 19 – Reserved.]

Section 20 – [Description of lots and premises contained in roll, names of owners and occupants; levy; collection.]

Whenever any special assessment shall be confirmed and be payable, the commission may direct the clerk to report to the assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each and the name of the owner or occupant against whom the assessment was made, and direct said assessor to levy the several sums so assessed respectively. The assessor shall levy the sum therein mentioned upon the respective lots and premises to which they are specially assessed and against the persons chargeable therewith, as a tax, in the general tax roll next thereafter to be made in a column for special assessments, and thereupon the amount so levied in said tax roll shall be enforced and collected with the other taxes in the tax roll and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury.

Section 21 – [Warrant for collection.]

Whenever any special assessment shall be confirmed and be payable as hereinbefore provided, the commission instead of requiring assessments to be reported to [sic] the assessment so made in the special assessment roll to be collected directly therefrom, and thereupon the clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment, upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person and return said roll and warrant, together with his doing thereon, within sixty days from the date of such warrant.

Section 22 – [Responsibility for collection; nonpayment.]

Upon receiving said special assessment roll and warrant, the treasurer shall proceed to collect the amount assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the city or elsewhere within the State of Michigan belonging to such person and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notice in three public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, the costs and expenditures of seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Section 23 – [Return of roll and warrant to clerk; list of delinquencies.]

The treasurer shall make return of said assessment roll and warrant to the clerk, according to the requirements of the warrant, and if any of the assessments in said roll shall be returned unpaid, the treasurer shall attach to his return a statement, verified by affidavit,

containing a list of the persons delinquent and a description of the lots and premises upon which the assessment remains unpaid, and the amount unpaid by each.

Section 24 – [Renewal of warrant.]

Said warrant may be renewed from time to time by the clerk if the commission shall so direct, and for such time as they shall determine, and during the time of such renewals the warrant shall have the same force and the treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the treasurer unpaid, as aforesaid, the name shall be certified to the assessor, in the manner provided in section 19 of this chapter, and shall then be levied, together with the penalty of ten percent of the amount of said assessment, in the next tax roll, and be collected and paid in all respects as provided in section 19 of this chapter.

Section 25 – [Collection of delinquencies by suit.]

At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment of the whole amount due, and of the right of the city to recover judgment therefor.

Section 26 – [Assessments not properly made.]

If, in any such action, it shall appear that, by reason of any irregularities or informalities, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may never-the-less on satisfactory proof that expenses have been incurred by the city which are a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Section 27 – [Sidewalks to be kept free of obstructions, etc.]

If the owner or occupant of any lot or premises shall fail to remove the snow, ice and filth from the sidewalk upon which such property abuts, or to remove and keep the same from obstruction, encroachments, encumbrances or other nuisances, or fail to perform any other duties required by the city in respect to such sidewalks or the premises of any person, within such time and in such manner as the city shall require, the city may cause the same to be done, and the expenses or such part thereof as the city shall have determined, together with a penalty of ten per centum, may be charged and collected as a special assessment against such property as in this Charter provided.

Section 28 – [Crediting and use of revenues and moneys raised; surplus.]

Revenues and moneys raised by taxation in every special assessment district in the city shall be credited to separate special assessment funds, and money so raised shall be used solely for the purpose specified. Provided, if there be a surplus after paying for the specified improvements, such surplus shall be refunded pro rata, as follows: by refund where the tax has been paid in full, and by credit on the assessment roll where the tax has not been fully paid.

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