

AGENDA

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL TO BE HELD IN PERSON AND VIRTUALLY AT WEST BRANCH CITY HALL, 121 N. FOURTH ST. ON MONDAY, APRIL 18, 2022, BEGINNING AT 6:00 P.M.

PLEASE NOTE: All guests and parties in attendance are asked to sign in if they will be making any comments during meetings, so that the City Clerk may properly record your name in the minutes. Public comments are limited to 3 minutes in length while matters from the floor are limited to 10 minutes. All in attendance are asked to silence all cell phones and other electronic devices. Accommodations are available upon request to those who require alternately formatted materials or auxiliary aids to ensure effective communication and access to City meetings or hearings. All request for accommodations should be made with as much advance notice as possible, typically at least 10 business days in advance by contacting City Clerk Lori Ann Clover at (989) 345-0500. [DISCLAIMER: Views or opinions expressed by City Council Members or employees during meetings are those of the individuals speaking and do not represent the views or opinions of the City Council or the City as a whole.] [NOTICE: Audio and/or video may be recorded at public meetings of the City Council.]

- I. Call to order
- II. Roll call
- III. Pledge of Allegiance
- IV. Scheduled Matters from the Floor
 - A. County Commissioner Mark Surbrook
 - B. Mike Hoadley – 99th District Representative Candidate
 - C. Michelle Frechette -- Rea Family Animal Shelter Request
- V. Public hearing
- VI. Additions to the agenda
- VII. Public comment on agenda items only (limited to 3 minutes)
- VIII. Bids
 - A. City Assessor
 - B. City Auditor
- IX. Unfinished Business
- X. New Business
 - A. Bills
 - B. Enactment of ordinance 22-01
 - C. Enactment of ordinance 22-02
 - D. Little League special event permit
 - E. School Resource officer memorandum of understanding
- XI. Approval of the minutes and summary from the meeting and work session held April 4, 2022.
- XII. Consent Agenda
 - A. Treasurer's Report and Investment Summary
 - B. West Branch Police Department February 2022 month end report
 - C. Minutes from the NCMCF meeting held February 2, 2022 and the Planning Commission meeting held March 22, 2022

XIII. Communications

XIV. Reports

- A. Mayor
- B. Council
- C. Manager

XV. Public comment any topic

XVI. Adjournment

UPCOMING MEETINGS-EVENTS

April 20-Airport Board Meeting 12:15 PM

April 26-DDA Meeting 12:00 PM

May 2 City Council 6:00 PM

May 10 Planning Commission 6:00 PM

May 16 City Council 6:00 PM

May 18 Airport Board 12:15 PM

May 24 DDA 12:00 PM

AGREEMENT

THIS AGREEMENT made this 1st day of July 2022, by and between CITY OF WEST BRANCH (hereinafter referred to as City) and MVW and ASSOCIATES, INC. (hereinafter referred to as ASSESSOR), whereby the parties hereto agree as follows.

ARTICLE I

Section 1. The Assessor shall comply with the provisions of the Michigan General Property Tax Act, as amended, pertaining to assessors and assessments.

Section 2. The Assessor shall use the Assessors Manual as a guideline when assessing.

Section 3. The Assessor shall consult with the county Equalization Director to establish a tax base so as to avoid the levy of a factor by the county Equalization Director or the State.

Section 4. The Assessor shall keep all records up to date and have them available for inspection at all times.

Section 5. The Assessor shall annually maintain land value rates and economic condition factors.

Section 6. The Assessor shall prepare all splits and combinations of property.

Section 7. The Assessor shall process all deeds for sales studies and make necessary changes on assessments records.

Section 8. The Assessor shall work appraisals on, and therefore assess new construction subject to ad valorem taxation within the City.

Section 9. The Assessor shall process all personal property statements and audits, if any, pertaining to same.

Section 10. The Assessor shall notify, by First Class Mail, all taxpayers whose assessment and or taxable value that has been increased over the previous year. This should be done at least (14) calendar days prior to the March Board of Review.

Section 11. The Assessor shall be required to devote the time necessary to perform the duties herein in a proper manner.

Section 12. The Assessor is not authorized to make any purchases or charge any expenditures to the City without prior approval of the City Manager or its representative.

Section 13. The Assessor shall share equal time with the City/Townships for all Board of Reviews that are covered under this agreement.

Section 14. The assessor shall attend all Tax Tribunal Hearings.

Section 15. In representing the City at Board of Review meetings, Tax Tribunal Hearings/Meetings, and other meetings with the citizens, the assessor shall act in a professional and polite manner at all times.

Section 16. The assessor shall attend the first city council meeting following the March Board of review meetings to report on Board of Review proceedings, the final assessment roll and to answer any questions council may have.

ARTICLE II **DUTIES OF THE CITY OF WEST BRANCH**

Section 17. The City shall compensate MVW and Associates, Inc. at a monthly rate of \$1,000.00 which shall be paid by the 1st Tuesday of each month.

Section 18. The City shall compensate the Assessor for the reappraisal of parcels, per cities request, rate of \$20.00 per residential property and \$27.00 per commercial/industrial property for completing the 20% yearly property inspection per state tax commission recommendation, which shall be paid monthly as billed by MVW and Associates, Inc.

Section 19. The City shall retain ownership of all the materials, files, and records pertaining to real and personal property assessments within the City.

Section 20. The City shall furnish all materials and supplies needed by the Assessor to perform his/her duties.

ARTICLE III **CONTRACTOR**

Section 21. It is the understanding of both parties that the Assessor shall be and independent contractor and, as such, shall be responsible for all taxes, withholdings, self-employment tax and, liability and any other bonds that maybe required in the performance of his/her duties.

ARTICLE IV **TOTAL AGREEMENT**

Section 22. It is the intent of the parties that the provisions of the Agreement, which supersedes all prior agreements and understandings, oral or written, express or implied, between such parties, shall govern their entire relationship and shall be the sole source of employment, rights, or claims, which may be asserted by either party.

ARTICLE V **DURATION**

Section 19. This agreement shall remain in full force and effect until 12:01 am. June 30, 2023 and may be renewed annually if so agreed by both parties.

IT IS SO AGREED-

X

James L. VanWormer
Vice President, MVW & Associates, INC.

X

John Dantzer
Manager, City of West Branch

Sole Source Vendor Exception Requests

4/18/22

Pursuant to § 33.09 SOLE SOURCE VENDORS, “Supplies, materials, equipment and services may be purchased without formal bidding when the City Manager demonstrates in writing to the City Council that there is only one practical source for the supply, material, equipment or service.”

In this instance, City Manager John Dantzer is requesting that the City Council forego formal bidding and approve the selection of “MVW & Associates” as the City Assessor for the City of West Branch and approve the “Assessor Agreement” submitted by MVW & Associates” for the 2022/2023 fiscal year, for the following reasons:

- There is only one practical source for the provision of Assessor services for the current fiscal year, due to the fact that the current City Assessor, Jim VanWormer of MVW & Associates, just completed an entire reassessment of the City making him extremely qualified to deal with City property issues.
- The service provided by MVW & Associates has been excellent which was most recently evidenced by having no formal challenges and no adjustments approved at the recent March Board of Review meetings.
- The last time two times formal bidding was conducted, MVW & Associates was the only bidder that submitted a bid.
- The contract submitted by MVW & Associates for the 2022/2023 fiscal year did not increase from the previous year.

Thank you.

-----City Manager John Dantzer

**PROPOSAL TO PROVIDE
AUDIT SERVICES TO
CITY OF WEST BRANCH**

**Proposal Submitted By:
Cynthia R. Scott, CPA, CFE
Stephenson & Company, P.C.
Certified Public Accountants
317 W. Houghton Avenue
P.O. Box 159
West Branch, MI 48661
(989) 345-0850
Fax (989) 345-4251**

SCOPE OF PROPOSAL

Scope of Proposal

Our proposal is to perform an audit of the financial statements in accordance with auditing standards generally accepted in the United States of America, and if required, the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States and the Uniform Guidance. The audit will include tests of the accounting records of the City of West Branch, and when applicable, a determination of major programs in accordance with the Uniform Guidance and other procedures we consider necessary to enable us to express an unmodified opinion that the financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the City's compliance with laws and regulations and its internal controls as required for a single audit. If our opinion on the financial statements, or, when applicable, the Single Audit Compliance Opinions is other than unmodified, we will fully discuss the reasons with you in advance.

We have enclosed a copy of our most recent external quality control review report as well as our cost proposal for your consideration.

BUSINESS ORGANIZATION AND FIRM QUALIFICATIONS

We would like to take the opportunity to reacquaint you to the firm of Stephenson & Company, P.C. Our firm is incorporated and licensed to practice within the state of Michigan. Our firm consists of six owners with over 150 years of experience in public accounting as well as 18 professional, service and support staff. All of our professional staff are members of the American Institute of Certified Public Accountants and Michigan Association of Certified Public Accountants.

Stephenson & Company, P.C. is a local firm that has been located in East Tawas for over 40 years, West Branch for over 30 years and recently opened a third office in Mio. We are a well-established full service firm that provides complete services in the areas of accounting and auditing, tax, technology support and management consulting. We currently conduct financial audits and other services for many of our clients, covering several different industries. The long-term relationships we have established with our clients are proof of our ability to meet and exceed expectations.

In addition to excellent client service, we will also provide you with a team of local professionals possessing specialized expertise in governmental audits. Our auditors receive continuing education far in excess of public accounting standards to ensure we have a complete understanding of the issues your City faces. We believe in taking a proactive approach to providing services to help you avoid surprises and keep you abreast of upcoming financial changes in the industry. We strive to make your financial statements a meaningful and informative management tool of the entity, and we believe in close personal attention not only at the year-end audit, but also throughout the year as issues arise.

We opened this section of the proposal with, "we would like to take the opportunity to reacquaint you with the firm of Stephenson & Company, P.C. because our firm has a long lasting audit relationship with the City of West Branch by which we would like to believe is a result of our commitment of providing the City with quality audit and consulting services all these years, not only during the audit, but also throughout the whole year. We have seen several City Managers, Treasurer/Clerks and other employees come and go over the years and have always made ourselves available to help guide them through their financial concerns by providing consulting services and advice, as needed. We have always gone to extra lengths in our procedures and have never taken a lesser approach in order to save time and cost. Because of this approach, we have never been notified by the State of an unacceptable audit for the City. Finally, we are proud that we are a local firm that employs professionals that live in, support and give back to this community and its local merchants, and by being local we are, and have always been, able to provide efficient responses to the City's questions and concerns throughout the year.

WORK PLAN

A risk-based approach and risk assessment process will be utilized for the City of West Branch audit. "Statements on Auditing Standards" (SAS) 104-111 became effective for audits performed with fiscal years ending on or after December 31, 2007. In addition, the SAS Clarity Standards became effective for audits performed with fiscal years ending on or after December 15, 2012. These standards require more understanding of the entity and its environment, including its internal control. With a risk based approach, there is an increase in the work involved with the risk assessment procedures required by these Standards. We don't believe in taking a lesser approach to save time and cost because we believe that an efficient internal control system is vital to a good working financial accounting system. By testing those internal controls and understanding how the controls work, we are able to provide City of West Branch with suggestions for improvements to those controls, to help strengthen the financial accounting system as a whole, and provide management as a whole with reliable information to base decisions on. We believe that an audit is more than just putting numbers together in a report for management to read.

The Clerk/Treasurer and all other accounting personnel should be available during the risk assessment and fieldwork phases of the audit for interviews with the Audit In-Charge, in order for us to gain an understanding of standard operating procedures and policies that are followed, and make available invoices, reconciliations, schedules and other documents to support the procedures and policies followed by City of West Branch

If controls are found to be in place, they will be relied upon to reduce substantive audit testing accordingly.

In addition, we believe that continuity in the assigned audit staff is an essential key to audit efficiency. Therefore, all efforts will be made to ensure that the Partner and In-Charge included in this proposal will remain consistent for the duration of the engagement. If unavoidable circumstances result in a change of personnel, we will notify you of such changes as soon as possible.

Stephenson & Company, P.C. provides its auditors with laptop computers and portable printers to be used during the audit process. Therefore, with the exception of the schedules listed above, it is anticipated that the data processing time for the City of West Branch will be minimal.

City of West Branch Audit Proposal

Our fee for audit services, including preparation of the F-65, will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee for the standard services noted above, including expenses, will not exceed:

Option 1 – 3 Year Engagement

2023 – \$29,950

2024 – \$31,500

2025 – \$32,875

Option 2 – 5 Year Engagement

(Estimated Savings of \$9,850)

2023 – \$29,250

2024 – \$30,125

2025 – \$31,025

2026 – \$31,950

2027 – \$32,875

Additional services performed regarding accounting, consulting and other procedures performed beyond the normal scope of this audit, costs related to financial statement preparation for additional GASB and SAS pronouncements required to be implemented in a current year, or a single audit, if required, will be computed at our standard hourly rates. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit.

STAFF QUALIFICATIONS AND EXPERIENCE

Partner

Cynthia R. Scott, CPA, CFE will be the Partner in charge of this engagement. She will have ultimate responsibility for the overall quality of the services and will ensure required professional services are delivered in a timely and efficient manner. She will determine the content of our audit reports and be responsible for ascertaining that State, professional and regulatory standards have been complied with throughout the engagement. Specifically, she will direct the activities of the audit team and review audit results and conclusions. She will also be responsible for all significant communications. Cindy has over 15 years of experience in public accounting with a specialization in the audits of school districts, local units of government and nonprofit entities. She obtained her Bachelors of Professional Accountancy degree from Saginaw Valley State University and is a member of the Michigan Association of Certified Public Accountants, the American Institute of Certified Public Accountants, the Governmental Audit Quality Center, the Michigan School Business Officials and the Association of Certified Fraud Examiners.

Currently, Cindy is in charge of our School, Local Government, Nonprofit, Single Audit and Forensic Teams. Cindy attends a multitude of trainings each year from auditing and accounting classes, including the Governmental and School Accounting Updates, as well as forensic and fraud related trainings. She conducts considerable research on all current issues and standard changes, and then prepares and presents in-house trainings for the rest of the firm on all the new issues and hot topics. Cindy has good working relationships with many of the personnel at the Michigan Department of Education (MDE) and the Michigan Department of Treasury (MDT), so when controversial issues arise, she is able to work through the situation with MDE and/or MDT. In addition to auditing, Cindy also provides compliance testing of federal programs for MDE and other forensic work for our clients, including internal control reviews, forensic investigations and various trainings for the client's personnel and board members.

Senior (In-Charge)

Nathan A. Miller, CPA will be the In-Charge for this engagement. Nathan will coordinate the activities of the professional staff assigned to the engagement, participate in planning and developing the overall approach through assessing the specific risks related to the City of West Branch, and will monitor all phases of the services to ensure timely completion. Nathan has over 10 years of experience in public accounting with a specialization in the audits of school districts, local units of governments and single audits. Nathan obtained his Bachelor of Professional Accountancy degree from Saginaw Valley State University and obtained his CPA certification in 2014. He is a member of the Michigan Association of Certified Public Accountants, the American Institute of Certified Public Accountants, the Governmental Audit Quality Center and the Michigan School Business Officials.

APPENDIX

REFERENCES

The following is a list of some of the Entities for which we provided Audit and/or Other Services:

Organization	Services Provided
Ogemaw County Contact: Gary Klacking, Clerk 806 W. Houghton Ave. West Branch, MI 48661 Phone (989) 345-0215	Financial and Single Audits Consulting Services Data Collection Form Preparation Form F-65 Preparation Employee Training
City of East Tawas Contact: Julie Potts, Clerk/Treasurer P.O. Box 672 East Tawas, MI 48730 Phone (989) 362-6161	Financial Audits Form F-65 Preparation Act 51 Preparation Act 51 Compliance Reporting
Ogemaw County Emergency Medical Services Authority Contact: Trista Smith-Spencer, Director 2872 Hansen Road West Branch, MI 48661 Phone (989) 345-4503	Financial Audits Consulting Services
City of Tawas City Annette Corey, Treasurer P.O. Box 568 Tawas City, MI 48764	Financial Statement Audit Form F-65 Preparation Act 51 Preparation Act 51 Compliance Reporting
Iosco County Contact: Elite Shellenbarger, Treasurer 422 W. Lake Street Tawas City, MI 48763 Phone (989) 362-4409	Financial and Single Audits Data Collection Form Preparation Form F-65 Preparation
District Health Department No. 2 Tim LeForce, Financial Coordinator (989) 345-1837 630 Progress Street West Branch, MI 48661	Financial and Single Audits Consulting Services Data Collection Form Preparation Employee Training Services

STEPHENSON & COMPANY, P.C.
Nonprofit and Other Governmental Services

- ◆ Financial Audits, Reviews and Compilations (Full or Limited Scope)
- ◆ Audits of Federal Funding under A-133
- ◆ Accounting Procedures and Control Evaluations
- ◆ Accounting and Payroll Support
- ◆ Agreed Upon Procedures
- ◆ Asset Management
- ◆ Bookkeeping Services
- ◆ Budgeting
- ◆ Cash Flow (Projections and Planning)
- ◆ Cash and Resource Management
- ◆ Computer Software Selection including knowledge of QuickBooks and several other software packages
- ◆ Compliance Testing
- ◆ Employee Competency Testing and Evaluation
- ◆ 990 Tax Form Preparation
- ◆ Financial Management Overviews
- ◆ Forecasts and Projections
- ◆ Forensic Investigations
- ◆ Internal Control Evaluations
- ◆ Management Advisory
- ◆ Pension Planning
- ◆ Ratio and Trend Analysis
- ◆ Review or Preparation of Tax Roll Settlements
- ◆ State Report Preparation

325 Newman Street, East Tawas, Michigan, 48730 (989) 362-4491
317 W. Houghton Avenue, West Branch, Michigan, 48661 (989) 345-0850
300 N. Morenci Avenue, Mio, Michigan, 48647 (989) 826-6675

Sole Source Vendor Exception Requests

4/18/22

Pursuant to § 33.09 SOLE SOURCE VENDORS, "Supplies, materials, equipment and services may be purchased without formal bidding when the City Manager demonstrates in writing to the City Council that there is only one practical source for the supply, material, equipment or service."

In this instance, City Manager John Dantzer is requesting that the City Council forego formal bidding and approve the selection of Stephenson and Company as the City Auditor and approve the audit proposal submitted for a five-year engagement that would run from fiscal years 2023-2027, for the following reasons:

- City staff feels very comfortable working with the staff of Stephenson and Company and the great working relationship has allowed the City to increase the quality of work and our audits.
- The last time two times formal bidding was conducted, Stephenson and Company was chosen.
- The contract submitted by Stephenson and Company calls for only a small increase from the previous approved proposal for fiscal year 2022 which was \$28,220. The 6% increase is less than the annual CPI index increase for 2022 which was 7.5%
- By approving the five-year proposal, the City would be able to receive lower annual pricing and recognize a savings of just under \$10,000 over the five-year period.

*ATTACHED IS A
LIST OF THE
BILLS TO BE APPROVED
AT THIS COUNCIL MEETING*

BILLS	\$48,495.06
<i>BILLS AS OF 4/13/22</i>	<i>\$48,495.06</i>
<i>Additions to Bills as of</i>	<i>\$0</i>
<i>Paid but not approved</i>	<i>\$21,621.79</i>
TOTAL BILLS	\$70,116.85

**BILLS ARE AVAILABLE
AT THE MEETING
FOR COUNCIL'S REVIEW**

Vendor Name	Amount	Description
BADGER METER	820.58	CELLULAR SERVICE MARCH
BECKETT & RAEDER	12,367.00	STREETSCAPE M-55 CORRIDOR IMP
BELL EQUIPMENT CO	303.22	DPW PARTS
CINTAS	203.22	WWTP SAFETY SUPPLIES
CINTAS	880.80	UNIFORMS
CITY OF WEST BRANCH	258.13	WATER BILLS
CONSUMERS ENERGY	9,066.39	ELECTRIC
FOREMOST PROMOTIONS	603.56	POLICE YOUTH SAFETY ITEMS
FOSTER BLUE WATER OIL LLC	4,769.48	FUEL
GREEN ACE HARDWARE	191.41	VARIOUS SUPPLIES
HACH COMPANY	1,657.40	WWTP SUPPLIES
HOME DEPOT	26.09	VARIOUS SUPPLIES
MESSA	13,216.64	HEALTH INSURANCE
MESSA	129.45	HEALTH INSURANCE M/L
MICHIGAN PIPE & VALVE	144.00	VARIOUS PARTS/SUPPLIES
MILLER OFFICE MACHINES	621.01	COPIER
MWEA	80.00	D ROBB MEMBERSHIP DUES
NORTH CENTRAL LABORATORIES	1,019.02	WWTP BILLS
OFFICE CENTRAL	552.95	VARIOUS SUPPLIES
OGEMAW COUNTY EMERGENCY DISPATCH AU	25.00	POLICE WARRANT ENTRY
OGEMAW COUNTY HERALD ADLINER	271.62	ADS
OGEMAW COUNTY VOICE	98.60	ADS
ROSCOMMON AUTO RECYCLERS	48.00	TAHOE SERVICE
SAVE A LOT	120.24	VARIOUS SUPPLIES
SELLEY'S CLEANERS	59.50	POLICE DRY CLEANING
UPS	4.87	WTER SAMPLES
VIC BOND SALES INC	51.40	VARIOUS SUPPLIES
VILLAGE QUIK LUBE	94.70	POLICE SERVICE
WASTE MANAGEMENT INC	276.26	WWTP DUMPSTER
WEST BRANCH AUTOMOTIVE	355.20	VARIOUS SUPPLIES
WEST BRANCH NAPA AUTO TRUCK	137.02	VARIOUS PARTS/SUPPLIES
WEST BRANCH TOWNSHIP TREASURER	42.30	QUARTERLY SURCHARGE JAN - MAR 2022
Total		48,495.06

**City of West Branch
Ordinance No. 22-01 of 2022**

An ordinance to amend the City of West Branch Zoning Ordinance Section 2.2 (Specific Terms), Section 4.7 (Office Service District), Section 4.9 (General Business District), Section 4.10 (Industrial District), Section 4.11 (Full Table of Permitted & Special Land Uses), and Section 7.26 (Marihuana Facilities and Establishments).

The City of West Branch, Ogemaw County, Michigan ordains:

Section 1: Additions and deletions to the City of West Branch Zoning Ordinance Section 2.2 (Specific Terms), Section 4.7 (Office Service District), Section 4.9 (General Business District), Section 4.10 (Industrial District), Section 4.11 (Full Table of Permitted & Special Land Uses), and Section 7.26 (Marihuana Facilities and Establishments)

That the City of West Branch Zoning Ordinance, Section 2.2 (Specific Terms), is hereby amended to read as follows:

MARIHUANA: In addition to the following definitions, the City adopts all definitions contained in any of the State rules, regulations, statutes, and administrative code enacted for the purpose of regulating marihuana facilities and establishments.

- A. **DEPARTMENT:** The Department of Licensing and Regulatory Affairs or any successor agency.
- B. **ENCLOSED, LOCKED FACILITY:** That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act, being MCL 333.26423).
- C. **MARIHUANA ESTABLISHMENT:** An enterprise at a specific location at which a licensee is licensed to operate under Initiated Law 1 of 2018, Medical Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.; including a marihuana grower, marihuana microbusiness, marihuana processor, marihuana retailer, marihuana secure transporter, or marihuana safety compliance facility.
 - 1. **MARIHUANA GROWER:** A person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments. For the purposes of this Ordinance, "marihuana grower" and "grower" may be used interchangeably.
 - 2. **MARIHUANA MICROBUSINESS:** A person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
 - 3. **MARIHUANA PROCESSOR:** A person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to

marihuana establishments. For the purposes of this Ordinance, “marihuana processor” and “processor” may be used interchangeably.

4. **MARIHUANA RETAILER**: A person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
 5. **MARIHUANA SECURE TRANSPORTER**: A person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments. For the purposes of this Ordinance, “marihuana secure transporter” and “secure transporter” may be used interchangeably.
 6. **MARIHUANA SAFETY COMPLIANCE FACILITY**: A person licensed to test marihuana, including certification for potency and the presence of contaminants. For the purposes of this Ordinance, “marihuana safety compliance facility” and “safety compliance facility” may be used interchangeably.
- D. **MARIHUANA FACILITY**: An enterprise at a specific location at which a licensee is licensed to operate under **2016 PA 281, Medical Marihuana Facilities Licensing Act**, MCL 333.27101 et seq.; including a grower, processor, provisioning center, secure transporter, or safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the **Michigan Medical Marihuana Act**, MCL 333.26421 et seq.
1. **GROWER**: A licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center. For the purposes of this Ordinance, “marihuana grower” and “grower” may be used interchangeably.
 2. **PROCESSOR**: A licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center. For the purposes of this Ordinance, “marihuana processor” and “processor” may be used interchangeably.
 3. **PROVISIONING CENTER**: A licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the department's marihuana registration process in accordance with the Michigan medical marihuana act is not a provisioning center for purposes of this act.
 4. **SAFETY COMPLIANCE FACILITY**: A licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility. For the purposes of this Ordinance, “marihuana safety compliance facility” and “safety compliance facility” may be used interchangeably.

5. **SECURE TRANSPORTER**: A license that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee. For this Ordinance, “marihuana secure transporter” and “secure transporter” may be used interchangeably.
- E. **MARIHUANA**: That term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106.
- F. **MEDICAL USE**: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
- G. **PERSON**: An individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- H. **PHYSICIAN**: An individual licensed as a physician under Part 170 of the Public Health Code, 1978 PA 368, MCL 333.17001—333.17084, or an osteopathic physician under Part 175 of the Public Health Code, 1978 PA 368, MCL 333.17501—333.17556.
- I. **PRIMARY CAREGIVER**: That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who is at least 21 years old and who has been registered by State Department of Licensing and Regulatory Affairs or any successor agency to assist with a Qualifying Patients’ use of medical marijuana.
- J. **PRIMARY CAREGIVER FACILITY**: A building in which the activities of a Primary Caregiver are conducted.
- K. **QUALIFYING PATIENT**: That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act, being MCL 333.26423) who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marijuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.
- L. **REGISTRY IDENTIFICATION CARD**: A document issued by the department that identifies a person as a registered qualifying patient or registered primary caregiver.

That the City of West Branch Zoning Ordinance, Section 4.7 (Office Service District), is hereby amended to read as follows:

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right	O-S
S = Permitted with a Special Use Permit	
*supplemental development regulations	
Commercial, Services & Retail	
Provisioning Center or Marihuana Retailer	S*
Marihuana Safety Compliance Facility	S*

That the City of West Branch Zoning Ordinance, Section 4.9 (General Business District), is hereby amended to read as follows:

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	G-B
Commercial, Services & Retail	
Provisioning Center or Marihuana Retailer	S*

That the City of West Branch Zoning Ordinance, Section 4.10 (Industrial District), is hereby amended to read as follows:

TABLE OF PERMITTED USES & SPECIAL LAND USES	
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	IND
Commercial, Services & Retail	
Marihuana Grower (Class A, Class B, or Class C)	S*
Provisioning Center or Marihuana Retailer	S*
Marihuana Processor	S*
Marihuana Secure Transporter	S*

That the City of West Branch Zoning Ordinance, Section 4.11 (Full Table of Permitted & Special Land Uses), is hereby amended to read as follows:

Table 4.11 - Full Table of Permitted Uses & Special Land Uses							
P = Permitted by right S = Permitted with a Special Use Permit *supplemental development regulations	R-1	R-M	MU	O-S	CBD	G-B	IND
Commercial, Services & Retail							
Marihuana Grower (Class A, Class B, or Class C)							S*
Provisioning Center or Marihuana Retailer				S*		S*	S*
Marihuana Processor				S*			S*
Marihuana Safety Compliance Facility				S*			
Marihuana Secure Transporter							S*

That the City of West Branch Zoning Ordinance, Section 7.26 (Marihuana Facilities and Establishments), is hereby added to read as follows:

A. General Standards and Submission Requirements.

1. Marihuana facilities and establishments shall remain in compliance with the State of Michigan licensing requirements.

2. Marihuana facilities and establishments shall receive a license from the City prior to operating and shall continue to comply with the City of West Branch Marihuana Facility and Marihuana Establishment Licensing Ordinance No. 22-02.
3. The following shall be submitted in conjunction with the licensing application:
 - a. **Site Plan.** Site Plan pursuant to **Article 5** and **Article 6**.
 - (1) Site Plan should show public, private, and secured areas.
 - (2) For growers, the site plan must also show secured areas and any type of outdoor storage.

B. Standards.

1. **Compliance with State Regulations.** Each marihuana facility or establishment shall be operated in compliance with the laws and provisions of the State of Michigan.
2. **Location.** Each marihuana facility or establishment shall be operated only from the premises approved on the site plan. No marihuana facility or establishment shall be permitted to operate from a movable, mobile or transitory location, except for a permitted and licensed marihuana secure transporter when engaged in the lawful transport of marihuana.
3. **Co-Location.** A marihuana grower, marihuana processor and a marihuana retailer may operate from within a single facility operating pursuant to the **Medical Regulation and Taxation of Marihuana Act** and may operate from a location shared with a marihuana facility(s) operating pursuant to the **Medical Marihuana Facilities Licensing Act** and the rules of the State. Co-location may only occur if all uses are allowed in the zoning district in which the property is located.
4. **Indoor Operation Required.** All activities of marihuana facilities or establishments, including, without limitation, distribution, growth, cultivation, processing, transfer, or sale of marihuana, and all other related activity permitted under the permit holder's license or permit must occur indoors. The establishment operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no abatable nuisance odor is detectable at the property line of the permitted premises. with the exception of secure transporters, the establishments operation and design shall minimize any impact to adjacent uses, including the control of odor by maintaining and operating an air filtration system as follows:
 - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - b. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
 - c. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- d. An alternative odor control system is permitted if the special land use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
5. **Separation Distances.** Marihuana facilities and establishments shall not be located within five hundred (500) feet of any building used for education, child care, park, or addiction treatment purposes (herein referred to as "eligible buildings") whether or not those eligible buildings are in the City of West Branch. This measurement shall be the distance from any building in which the facility or establishment is operating and an eligible building on another lot or to the lot line of a park. These required separation distances cannot be waived except as allowed below:
- a. The application shall provide evidence that all eligible buildings within the separation distance area have been notified by the applicant of the intent to seek a waiver from the separation distance requirements. Failure to satisfy this requirement may be grounds to deny a proposed separation distance waiver.
 - b. If an objection is not filed by the owners or tenants of an eligible building, the Planning Commission may waive the required separation distance, at the public hearing, in accordance with the standards provided in subsection (c).
 - c. The Planning Commission may grant a reduction in the separation distances upon finding that granting the reduced separation distance:
 - (1) will not cause a substantially adverse effect on neighboring properties and will not produce nuisance conditions to occupants of nearby properties or impair quality of life.
 - (2) will not otherwise impair the public health, safety and general welfare of the residents.
 - (3) Will not damage the neighborhood character.
 - d. Prior to granting the waiver, signed statements shall be required from each impacted property owner (whose property contains an eligible building within five hundred (500) feet of the proposed facility) which indicate that each owner of the property is aware of and in agreement with the waiver. All owners listed in the City tax records shall sign the statement.

Section 2: Severability

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

Section 3: Saving Clause

The City of West Branch Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Mayor, City of West Branch

City of West Branch Clerk

I, _____, Clerk for the City of West Branch, hereby certify that the foregoing is a true and correct copy of Ordinance No. 22-02 of 2022 of the City of West Branch, adopted by at a meeting of the City Council held on _____.

A copy of the complete ordinance text may be inspected or purchased at the West Branch City Hall at 121 N. Fourth Street, West Branch, Michigan.

Adopted: _____ Published: _____ Effective: _____ subject to PA 110 of 2006 as amended

Table of Contents:

- A. *Purpose, intent, relationship to other laws and city liability and indemnification***
 - (1) Purpose*
 - (2) Legislative intent*
 - (3) Relationship to federal law*
 - (4) Relationship to state law*
 - (5) Reservation of legislative prerogative*
 - (6) City liability and indemnification*
- B. *Definitions***
- C. *Licensing of medical marihuana facilities and adult use marihuana establishments***
 - (1) Local licensing authority*
 - (2) Number of permitted facilities*
 - (3) Location*
 - (4) Operation at location provided on application only*
 - (5) Combined facilities*
 - (6) Stacking of licenses*
 - (7) Expansion of license classification*
 - (8) License and annual fees required*
 - (9) Application requirements*
 - (10) Review process*
 - (11) Denial of application and due process*
 - (12) Issuance of city medical marihuana facility or adult use marihuana establishment operating license*
 - (13) License forfeiture*
 - (14) License renewal*
 - (15) Transfer, sale, or purchase of license*
 - (16) License as revocable privilege*
 - (17) Nonrenewal, suspension, or revocation of license*
- D. *General requirements and restrictions***
 - (1) General requirements*
 - (2) Prohibited acts*
 - (3) Inspection of licensed premises*
- E. *Other laws remain applicable***
- F. *Grant of administrative authority***
- G. *Violations and penalties***

DRAFT
**City of West Branch Medical Marihuana Facility and Adult Use Marihuana
Establishment Licensing Ordinance No. 22-02**

AN ORDINANCE OF THE CITY OF WEST BRANCH, MICHIGAN TO REGULATE MEDICAL
MARIHUANA FACILITIES AND ADULT USE MARIHUANA ESTABLISHMENTS.

THE CITY OF WEST BRANCH ORDAINS:

A. Purpose, intent, relationship to other laws and city liability and indemnification

1. ***Purpose.*** The purpose of this section is to implement and establish a uniformed licensing and regulatory process for Medical and Adult Use Marihuana Businesses to the extent permissible under the provisions of the Michigan Medical Marihuana Act, (MCL 333.26421 et seq.), the Michigan Marihuana Facilities Licensing Act (MCL 333.27101 et seq.) the Marihuana Tracking Act (MCL 333.27901 et seq.), and the Michigan Regulation and Taxation of Marihuana Act (MCL 333.27951 et seq.) referred to herein as the "Acts", so as to protect the public health, safety, and welfare of the residents and patients of the city by setting forth the manner in which medical marihuana facilities and adult use marihuana establishments can be operated in the city. Further, the purpose of this section is to:
 - a. Provide for a means of cultivation, processing, and distribution of marihuana to patients who qualify to obtain, possess, and use marihuana for medical purposes and for eligible adults with proper qualifying identification to obtain, possess, and use marihuana for legally allowable individual purposes under the Acts;
 - b. Protect public health and safety through reasonable limitations on marihuana operations as they relate to noise, air and water quality, neighborhood and patient/customer safety, security for the facility and its personnel, and other health and safety concerns;
 - c. Protect residential neighborhoods by limiting the location and the concentration of types of medical marihuana facilities and adult use marihuana establishments to specific areas of the city;
 - d. Impose fees to defray and recover the cost to the city of the administrative and enforcement costs associated with medical marihuana facilities and adult use marihuana establishments;
 - e. Coordinate with laws and regulations that may be enacted by the state addressing marihuana; and

- f. To restrict the issuance of medical marihuana facility and adult use marihuana establishment licenses only to individuals and entities that have demonstrated an intent and ability to comply with this section.
2. ***Legislative intent.*** This section authorizes the establishment of marihuana facilities and marihuana establishments within the city consistent with the Acts:
 - a. Marihuana cultivation and processing can have an impact on health, safety, and community resources, and this section is intended to permit marihuana cultivation and processing where it will have a minimal impact.
 - b. The regulations for medical marihuana facilities and adult use marihuana establishments are not adequate at the State level to address the impacts on the city of the commercialization of marihuana, making it appropriate for local regulation of the impact of medical marihuana facilities and adult use marihuana establishment on communities as provided for under the acts and expressly retained by municipal charter and any and all powers and immunities, expressed and implied which cities and their officers are, or hereafter may be, permitted to exercise or to provide for under the constitution and laws of the State.
 - c. Nothing in this section is intended to promote or condone the distribution, or possession of marihuana in violation of any applicable State law.
 - d. This section is to be construed to protect the public over medical marihuana facility and adult use marihuana establishment interests. Operation of a medical marihuana facility and adult use marihuana establishment is a revocable privilege and not a right in the city. There is no property right for an individual or facility to engage or obtain a license to engage in marihuana as a commercial business in the city.
3. ***Relationship to federal law.*** As of the effective date of this section, marihuana is classified as a schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute, cultivate, produce, possess dispense or transport marihuana. Nothing in this section is intended to grant immunity from any criminal prosecution under federal law.
4. ***Relationship to state law.*** As of the effective date of this section, as amended, and except as otherwise provided by the Acts; and this section, a city licensee and its employees and agents who are operating within the scope of a valid state-issued operating license are not subject to criminal or civil prosecution under city ordinances regulating marihuana.

Nothing in this section is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form, that is not in strict compliance with the Acts, all applicable rules promulgated by the state regarding marihuana and all local laws, ordinances, rules and policies. Strict compliance with any applicable state law or regulation shall be deemed a requirement for the issuance or renewal of any license issued under this

section, and noncompliance with any applicable state law or local law or regulation shall be grounds for revocation or nonrenewal of any license issued under the terms of this section.

5. *Reservation of legislative prerogative.*

- a. The City of West Branch reserves the right to amend or repeal this Ordinance in any manner, including, but not limited to, the complete elimination of any type or number of medical marihuana facilities or adult-use marihuana establishments authorized to operate in the City.
- b. Nothing in this Ordinance may be held or construed to grant or "grandfather" any medical marihuana facility or adult use marihuana establishment a vested right, license, permit or privilege to continued operations within the City, except as granted by approval through the application and/or application renewal process and as consistent with all other applicable laws, rules, regulations, and guidelines of the state of Michigan.

6. *City liability and indemnification.*

- a. By accepting a license issued pursuant to this section, the licensee waives and releases the city, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of medical marihuana facility and adult use marihuana establishment owners, operators, employees, clients or customers for a violation of local, state or federal laws, rules or regulations.
- b. By accepting a license issued pursuant to this section, all licensees, agree to indemnify, defend and hold harmless the city, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of bodily injury, sickness, disease, death, property loss or damage or any other loss of any kind, including, but not limited to, any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating facility or establishment, arising out of, claimed to have arisen out of, or in any manner connected with the operation of a medical marihuana facility and adult use marihuana establishment or use of a product cultivated, processed, distributed or sold that is subject to the license, or any claim based on an alleged injury to business or property by reason of a claimed violation of the Federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1964(c).
- c. By accepting a license issued pursuant to this section, a licensee agrees to indemnify, defend and hold harmless, the city, its officers, elected officials, employees, and insurers, against all liability, claims, penalties, or demands arising on account any alleged violation of the Federal Controlled Substances Act, 21 U.S.C. § 801 et seq. or article 7 of the Michigan Public Health Code, MCL 33.7101 et seq.

B. *Definitions.* Through this section, the city adopts all definitions contained in any of the state

rules, regulations, statutes, administrative code, enacted for the purpose of regulating marihuana facilities and establishments.

C. *Licensing of medical marihuana facilities and adult use marihuana establishments.*

1. *Local licensing authority.*

- a. The West Branch City Council is designated as the local licensing authority. The city council may by resolution delegate its authority or a portion of such authority to a new committee or other designee to act as the local licensing authority. The local licensing authority shall have the duty and authority pursuant to the Medical Marihuana Facilities Licensing Act ("MMFLA") and Michigan Regulation and Taxation of Marihuana Act ("MRTMA") in this Ordinance to grant or deny an application described in this Ordinance and to levy penalties against the licensee in the manner provided by law.
- b. The local license authority shall consider applications for new business premises, transfer of ownership, change of location, license premises modification, changes in trade name, and any other appropriate application.
- c. The local license authority shall have the power to promulgate rules and regulations concerning the procedure for hearings before the local licensing authority.
- d. The local license authority shall have the power to require any application or licensee to furnish such information to the authority as may be reasonably necessary in order for the authority to perform its duties and functions authorized by this Ordinance.
- e. The local license authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the productions of papers, books and records at any hearing in which the authority is authorized to conduct. Any subpoena shall be served in the same manner as a subpoena issued by a District Court of the State. The District Court Judge shall have the power and authority to enforce such subpoena.

2. ***Number of permitted facilities.*** The maximum number of each type of medical marihuana facility and adult use marihuana establishment permitted in the city is as follows:

Type	Number Permitted in City
Grower Licenses of Class A (maximum of 100 marihuana plants) as defined in the MRTMA or Class A (maximum of 500 marihuana plants) as defined in the MMFLA	Unlimited
Grower Licenses of Class B (maximum of 250 marihuana plants) as defined in the MRTMA or Class B (maximum of 1,000 marihuana plants) as defined in the MMFLA	Unlimited
Grower Licenses of Class C (maximum of 2,000 marihuana plants) as defined in the MRTMA or Class C (maximum of 1,500 marihuana plants) as defined in the MMFLA	Unlimited
Marihuana Microbusiness	Prohibited
Medical Marihuana Provisioning Centers/Marihuana Retailers	2 locations
Marihuana Processor or Medical Marihuana Processor Facility	1 location
Marihuana Safety Compliance Establishment or Medical Marihuana Safety Compliance Facility	1 location
Secure Transporter or Medical Marihuana Secure Transporter	1 location
Excess Grower	Unlimited
Designated Consumption Center	Prohibited
Marihuana Event Organizer	Prohibited
Temporary Event License	Prohibited

3. **Location.** No medical marihuana facility or adult use marihuana establishment shall be eligible to be issued a license unless at the time of application for such license, the location of the proposed facility complies with the zoning and separation distances from other uses as set forth in the city zoning ordinance as required for the specific type of medical marihuana facility or adult use marihuana establishment for which licensure is being sought.
4. **Operation at location provided on application only.** A licensee shall not operate a medical

marihuana facility or adult use marihuana establishment at any place in the city other than the address provided in the application on file with the city clerk.

5. ***Combined facilities.*** Multiple types of medical marihuana facilities and adult use marihuana establishments may operate from a single location pursuant to the Acts, State of Michigan rules, and the city Zoning Ordinance. A combined facility shall pay one licensing fee upon application if the combined facility is applied for concurrently. If a medical marihuana facility or adult use establishment is added to an existing facility or establishment, a new application and licensing fee shall be required. Annual renewal of the combined facility shall require one fee..
6. ***Stacking of licenses.*** Any grower issued a license by the city may stack up to three class C licenses at a single location without requiring any additional city licensing or approval, provided that the exterior of the existing structure where the facility is located will not require expansion. If expansion is required, the licensee must obtain all necessary permits and approval required for such expansion.
7. ***Expansion of license classification.*** Any licensed grower in the city that holds anything less than a state issued class C license may, at any time, expand the license classification without requiring city approval. By way of example: licensee holding a state issued class A license may expand at any time to a state issued class B or C and may further stack up to three class C licenses as provided above without city approval. However, licensed growers shall submit license expansions to the city for city records.
8. ***License and annual fees required.***
 - a. No person shall establish or operate a medical marihuana facility or adult use marihuana establishment in the city without first having obtained from the city and the State of Michigan a license for each such facility or establishment to be operated. License certificates shall be kept current and publicly displayed within the facility or establishment. Failure to maintain or display a current license certificate shall be a violation of this section.
 - b. An annual, nonrefundable licensing fee to defray the administrative and enforcement costs associated with medical marihuana facilities and adult use marihuana establishments located in the city of not more than \$5,000.00 per license or in an amount established by resolution adopted by the city council or in an amount established by state law.
 - c. The annual, nonrefundable application/reapplication fee as stated in subsection 9.b.4 or as determined by city council resolution from time to time, per license required under this section shall be due and payable with the application for a license and upon the application for renewal of any such license under this section. This application/reapplication fee shall be considered part of the licensing fee in subsection 8.b.

- d. The annual, nonrefundable inspection fee, as determined by city council resolution from time to time, per licensed facility required under this section shall be due and payable with the application for annual inspection and upon the application for renewal of any such license under this section; This inspection fee shall be considered part of the licensing fee and application/reapplication fee in subsection 8.b and 8.c.
- e. The fees set forth herein shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or city ordinance, including, by way of example any applicable zoning or building permits.
- f. The issuance of any license pursuant to this section does not create an exception, defense or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marihuana under federal law.
- g. A separate license shall be required for each facility or establishment type or premise from which a medical marihuana facility or adult use marihuana establishment is operated.
- h. The term of each license shall be one year beginning when the licensee is granted a certificate of occupancy and permit from the building and safety inspections division.
- i. The annual license established pursuant to the above paragraph begins and commences at the time of the receipt of the applicant's certificate of occupancy by the city.

9. *Application requirements.*

- a. A person seeking a license pursuant to the Acts and the provisions of this section shall submit an application to the city on forms provided by the city. All documents submitted to the city shall be submitted in both hardcopy and digital formats. At the time of application, each applicant shall pay a nonrefundable application fee to defray the costs incurred by the city for background investigations and inspection of the proposed premises, as well as any other costs associated with the processing of the application. In addition, the applicant shall present a suitable form of identification.
- b. The applicant shall also provide a complete copy of their application for State approval, including, but not limited to:
 - (1) Proof of ownership or authorization to use the property for a medical marihuana facility or adult use marihuana establishment.
 - (2) A notarized statement from the owner of such property authorizing the use of the property for a medical marihuana facility or adult use marihuana establishment, if the applicant is not the owner of the proposed licensed premises.

- (3) A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises.
 - (4) The non-refundable application fee for a medical marihuana facility or adult use marihuana establishment license is \$1,500.00 per license or as established by resolution adopted by city council or in an amount established by state law. This application fee shall be considered part of the licensing fee in subsection 8.b and 8.c.
- c. For medical marihuana provisioning centers and marihuana retailers, the following shall apply:
- (1) At least one applicant shall demonstrate experience with owning (51% or more), operating, and/or managing a business with inventory tracking and control (min. of 1 year) pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, Article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and Article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.
 - (2) At least one applicant shall demonstrate experience with owning (51% or more), operating, and/or managing a business in a highly regulated industry (min. of 1 year). Highly regulated means subject to regulation by LARA or a similarly regulated agency (state or federal) pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, Article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and Article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.
 - (3) Applicant shall present a detailed description of estimated capital investment. Capital investment is defined as a fixed asset, which is an asset purchased for a long-term use and not likely to be converted quickly into cash such as land, buildings, and equipment pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, Article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and Article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.
 - (4) Applicant shall include a business plan which includes a daily operations schedule.
 - (5) Applicant shall present a proposed staffing plan, complete with descriptions of job duties, proposed wages, and employee qualifications/hiring criteria pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, Article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and Article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.
 - (6) Applicant shall present a documented employee policy book and code of ethics to

ensure honesty and integrity of employees.

- (7) Applicant shall present a sworn attestation that the Applicant and/or parties with 25% or more interest in the company have not been subject to any civil monetary judgements entered against it in the last 7 years, excluding family law matters or estate disputes.
- (8) Applicant shall present a sworn attestation that the Applicant and/or parties with 25% or more interest in the company have not filed bankruptcy within the last 7 years.
- (9) Applicant shall present a plan to deter and prevent unauthorized entrance into the facility.
- (10) Applicant shall present a plan to prevent theft and diversion.
- (11) Applicant shall present a plan for 24/7 video surveillance inside and outside of facility.
- (12) Applicant shall present a plan for secure storage of marihuana and proceeds.
- (13) Applicant shall present a detailed plan for record keeping and inventory management.
- (14) Applicant shall provide copies of material safety data sheets for hazardous materials and their plan for storage and disposal (or a sworn attestation that no hazardous materials will be on the premises at any time).
- (15) Applicant shall present a plan that included a security system in place to alert owner of possible tampering with the facility or its contents.
- (16) Applicant shall propose a living wage (at least 200% of the Federal Poverty Level for a family of two, at its hourly basis) to all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, Article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and Article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.
- (17) Applicant shall offer a benefits package in addition to wages or salary pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, Article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and Article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution.

10. *Review process.*

a. ***Merit based review period.***

- (1) ***License quotas.*** License quotas are permitted to the extent regulated by the State of Michigan rules and regulations and are subject to change based on any potential rulings made by the State.
- (2) ***Merit review process.*** In order to seek the best candidates for medical marihuana facility and adult use marihuana establishment licensure for the city, the city shall review and score and rank the applicants based upon their objective merits if the number of license applicants exceeds the number of licenses available.
- (3) ***Application window.*** Following the effective date of this ordinance, there shall be an open application period of thirty (30) days during which the city shall collect applications for all marihuana facility licenses that are subject to a cap. In the event that more applications for licenses are submitted during this window than the number of licenses available, those applications would then be reviewed by the staff.
 - i. ***Factors for scoring.*** The assigned city staff shall create a scoring rubric outlining the factors and weight of criteria considered for the scoring of such applications and shall provide the final rubric for modification and final approval by the majority of the city council.
 - ii. ***Determination of order.*** Once the applications are scored, individual applicants shall be notified of the order of their placement, and those within the cap may proceed through the license application process accordingly. Failure to complete the license application process within six (6) months shall result in the denial of the application, and the next best applicant shall be afforded the opportunity to apply. The resulting list of scores shall be used as the order for any waiting list, in the event that, (a) currently existing grandfathered facilities do not pass the state's licensure process, (b) other facilities close on their own accord, or close by court order, administrative order, and/or have their license revoked, or (c) the city chooses to raise the license limit for that kind of facility at a future date.

b. ***Review process for license types that do not have a cap and for capped licenses after the initial merit based review period has ended.***

- (1) Within fourteen (14) days of application submittal, city staff will determine if the application is complete and will notify the applicant if there are deficiencies.
- (2) After receiving notification from city staff pursuant to subsection 10.b.1 above, the applicant shall have fourteen (14) days from the date of said notification to submit additional information.
- (3) Within thirty (30) days of the application being determined to be complete, city

staff will review the application to determine compliance with this ordinance and shall notify the applicant that the applicant is approved to proceed with the inspection phase pursuant to subsection 12.

11. *Denial of application and due process.*

- a. The city shall reject any application that does not meet the requirements of the Acts or this section, or any pertinent provision of any State of Michigan or City of West Branch laws, rules or regulations.
- b. In accordance with the Acts, an applicant may be ineligible to receive a license under this section if any of the following circumstances:
 - (1) The applicant has knowingly submitted an application for license that contains false, misleading or fraudulent information, or who has intentionally omitted pertinent information for the application for license.
 - (2) The applicant fails to meet other criteria established by the Acts or other pertinent law and/or obtain a state license.
 - (3) The applicant does not submit proof of "approved for prequalification" with the state.

c. *Denial of application; due process.*

- (1) Those applicants denied a license based on qualifications may appeal the decision within thirty (30) days of notification of denial. The city council shall hear and decide questions or requests for due process that arise after city staff have reviewed and provided a decision that the applicant wishes to further appeal.
- (2) The applicant must submit a narrative request for due process that includes detailed information and all supporting documentation for any/all points they wish to have city council consider.
 - i. Within thirty (30) days of notification of appeal by the applicant, a due process review shall be conducted at a public meeting of the council and a concurring vote of a majority of the members of the full city council is necessary to reverse an order, requirement, decision or determination of an administrative official in the interpretation of this section.
 - ii. The applicant must be present at the designated council meeting or forfeits their right to due process.
 - iii. The decision of the city council is final.

12. *Issuance of city medical marihuana facility or adult use marihuana establishment operating license.*

- a. ***Special land use permit.*** The proposed medical marihuana facility or adult use marihuana establishment shall obtain a Special Land Use permit from the Planning Commission.
- b. ***Inspection.*** An occupancy inspection of the proposed medical marihuana facility or adult use marihuana establishment by the city shall be required prior to the issuance of the city operating license in accordance with the currently adopted Michigan Building Code. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any marihuana and prior to the opening of the business to any patients or the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule or regulation.
- c. In the event that the medical marihuana facility or adult use marihuana establishment is granted a license but fails to substantially comply with its original site plan or operates inconsistent with the manner in which it was represented on the licensing application, the city may revoke the license or may allow the licensee to present its case for modification of its original facility and license to the Planning Commission. If the Planning Commission approves the changes, then the city will take no further action regarding the licensee's license. If the licensee fails to address its substantial non-compliance with the Planning Commission, then the city may revoke the license and may prohibit the licensee from applying for a medical marihuana facility or adult use marihuana establishment license in the future.
- d. After verification that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule or regulation, the city clerk shall issue a city medical marihuana facility or adult use marihuana establishment license whose term shall run concurrent with the State of Michigan license for the facility or establishment.
- e. Maintaining a valid medical marihuana facility or adult use marihuana establishment license issued by the State of Michigan is a condition for the issuance and maintenance of the city medical marihuana facility or adult use marihuana establishment operating license issued under this section and the continued operation of a medical marihuana facility or adult use marihuana establishment.
- f. The city will authorize approved medical marihuana facility or adult use marihuana establishment license(s) to entities on the condition that the following have been submitted, completed and approved:
 - (1) Application on a form provided by the city; and
 - (2) Paid all licensing fees due to the city; and
 - (3) The entity(ies) holds an approved and fully authorized State of Michigan approved

medical marihuana facility or adult use marihuana establishment license to the city clerk; and

- (4) An approved Special Land Use permit from the Planning Commission; and
 - (5) An approved certificate of occupancy from the applicable building official; and
 - (6) All medical marihuana facilities or adult use marihuana establishments shall obtain a State of Michigan license and all other required permits or licenses related to the operation of the medical marihuana facility or adult use marihuana establishment, including, without limitation, any development approvals or building permits required by any applicable code or ordinance prior to opening to the public; including but not limited to any approved building permits (as required for any construction/deconstruction) by the city official as appropriate. Any such license and required permits shall be acquired within one (1) year from the date of approval by city council unless that period is extended by mutual agreement of the city council and licensee.
 - (7) *Proof of insurance.* A licensee shall at all times maintain full force and effect for duration of the license, workers compensation as required by state law, and general liability insurance with minimum limits of \$1,000,000.00 per occurrence and a \$2,000,000.00 aggregate limit issued from a company licensed to do business in the state having an AM Best rating of at least A-.
 - (8) The policy shall name the city and its officials and employees as additional insureds to the limits required by this section. A licensee or its insurance broker shall notify the city of any cancellation or reduction in coverage within seven (7) days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the city clerk within five business days in the event of expiration or cancellation of coverage.
 - (9) Applicant will provide any additional information that the city clerk, law enforcement, fire chief, public works supervisor, zoning administrator, building official, city manager and/or city attorney or their designees reasonably determines to be necessary in connection with the investigation and review of the application.
13. ***License forfeiture.*** In the event that a medical marihuana facility or adult use marihuana establishment does not commence operations within one (1) year of issuance of a city operating license, the license shall be deemed forfeited; the business may not commence operations, unless extended by a majority vote of the full city council. The city shall notify the licensee of pending license forfeiture at least forty (45) days prior to forfeiture by certified mail at the address provided on the application. At least thirty (30) days prior to forfeiture, the licensee may request an extension of up to one (1) year from city council.

14. ***License renewal.*** A valid medical marihuana facility or adult use marihuana establishment license may be renewed on an annual basis by a renewal application upon a form provided by the city and payment of annual fees.

- a. ***Timeline of renewal application.*** An application to renew a medical marihuana facility or adult use marihuana establishment license shall be filed at least ninety (90) days prior to the date of its expiration.
- b. ***Late fee.*** In the event that the renewed application is not submitted in accordance with this section at least 90 days prior to the date of expiration, the city will assess a late fee as fixed by city council for each day that the renewal application is submitted late up to the date of expiration.
- c. ***Expiration.*** In the event that an application is not received by the date of expiration, the license will be considered null and void and all operations must immediately cease by order of law enforcement. Renewal of the license after the date of expiration will require the same license fee as the original application.
- d. ***Notice of revocation.*** A notice of local revocation will be issued to the State of Michigan and the licensee will have to resubmit all documentation, fees, and receive all approvals as a new entity should they wish to reopen their business.
- e. ***Annual inspection.*** Prior to the issuance of a renewed medical marihuana facility or adult use marihuana establishment license by the city, the premises shall be inspected to assure that it and its systems are in compliance with the requirements of this section. The annual, nonrefundable inspection fee, as assigned by the city council, per licensed facility or establishment required under this section, shall be due and payable with the application for annual inspection and upon the application for renewal of any such license under this section.

15. ***Transfer, sale, or purchase of license.***

- a. A medical marihuana facility or adult use marihuana establishment license is valid only for the owner named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued. The licensees of a medical marihuana facility or adult use marihuana establishment license are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this section.
- b. Each operating license is exclusive to the licensee and location. A licensee or any other person must submit an application for licensure with the city clerk before a license is transferred, sold, or purchased.
- c. In compliance with any/all rules issued by the city regarding the sale, transfer or purchase of existing licenses; any entity that holds a city-issued license may transfer or sell their license to a qualifying applicant.

- (1) Any entity purchasing or receiving a transferred license must submit an application and all associated documentation and all fees.
 - (2) The applicant who is receiving the transfer or purchasing the license must have submitted all new application, license and inspection fees and received all local and State of Michigan approvals, including "approved for prequalification" with the State of Michigan on all applications and associated documentation as well as all inspections as outlined in this section and the Acts prior to beginning or taking over operations.
- d. The attempted transfer, sale, or other conveyance of an interest in a license without city approval is grounds for suspension or revocation of the license or for other sanction considered appropriate by the city.
- e. The following actions constitute transfer of ownership and require a new application, application fee and city council approval:
- (1) **Persons.** Any transfer of more than 1% of an ownership interest in an applicant or permit holder between persons constitutes a transfer of ownership.
 - (2) **Corporations.** Any transfer of more than 1% of stock or any change in principal officers or directors of any corporation holding a permit constitutes a transfer of ownership.
 - (3) **Limited Liability Companies.** Any transfer of more than 1% of membership interest or any change in members or change in the interest held by member(s) of any limited liability company holding a permit constitutes a transfer of ownership.
 - (4) **Partnerships.** Any change of more than 1% of a partnership interest or any change in general or managing partners of any partnership holding a permit constitutes a transfer of ownership.
 - (5) **Assets.** Any transfer of more than 1% of the assets held by an applicant or permit holder constitutes a transfer of ownership
- f. **Effect of transfer.**
- (1) Immediately following the approval of a transfer of ownership by the city, the transferee(s) will obtain all the interests, rights, obligations and responsibilities of the previous license holder. Once a license holder has transferred his or her ownership interest, any privileges enjoyed by that license holder under this ordinance are terminated.
 - (2) For transfers, the renewal and termination dates of the license shall not change.

16. *License as revocable privilege.*

- a. An operating license granted by this section is a revocable privilege granted by the city and is not a property right. Granting a license does not create or vest any right, title, franchise, or other property interest.
- b. Each license is exclusive to the licensee, and a licensee or any other person must apply for and receive the city's approval before a license is transferred, sold, or purchased.
- c. A licensee or any other person shall not lease, pledge, or borrow or loan money against a license.
- d. Any effort to circumvent the protocol listed in this section and/or the city zoning ordinance will result in the immediate denial of application or complete revocation of the city-issued medical marihuana facility or adult use marihuana establishment license.

17. *Nonrenewal, suspension, or revocation of license.*

- a. The city may, after notice, suspend, revoke or refuse to renew a license for any of the following reasons:
 - (1) The applicant or licensee, or his or her agent, manager or employee, has violated, does not meet, or has failed to comply with, any of the terms, requirements, conditions or provisions of this section or with any applicable state or local law or regulation; or
 - (2) The applicant or licensee, or his or her agent, manager or employee, has failed to comply with any special terms or conditions of its license pursuant to an order of the State of Michigan or local licensing authority, including those terms and conditions that were established at the time of issuance of the license and those imposed as a result of any disciplinary proceedings held subsequent to the date of issuance of the license; or
 - (3) The medical marihuana facility or adult use marihuana establishment has been operated in a manner that adversely affects the public health, safety or welfare; or
 - (4) The licensee has not submitted all necessary documentation and/or fees to renew their license.
- b. Evidence to support a finding under this section may include, without limitation, a continuing pattern of conduct, a continuing pattern of drug-related criminal conduct within the premises or property occupied by the medical marihuana facility or adult use marihuana establishment, a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marihuana facility or adult use

marihuana establishment, or an ongoing nuisance condition emanating from or caused by the medical marihuana facility or adult use marihuana establishment or any other concerns raised by city staff and/or other local, state or federal officials. Criminal conduct shall be limited to the violation of a state law or regulation or city ordinance.

- c. Any decision of nonrenewal, suspension or revocation has the right to due process and may be eligible for appeal to the city council.

D. **General requirements and restrictions.** All medical marihuana facilities or adult use marihuana establishments operating within the city shall be subject to the following general requirements and restrictions. To the extent there is a conflict between these requirements and restrictions and the Act, the Act shall prevail.

1. **General requirements.**

- a. **Exterior signage.** Facilities and establishments may only use exterior signage that is in compliance with the city's zoning ordinance regarding signs and Michigan law. Facilities may not use exterior signage or displays with neon, flashing lights, or similarly noxious or obtrusive lighting or effects.
- b. **Hours of operation.** Provisioning centers and retailers may only operate between the hours of 8:00 a.m. and 9:00 p.m.
- c. **Indoor operations/no drive-thru service.** All business operations of a facility or establishment must occur indoors. Facilities and establishments may not provide drive-thru service.
- d. **Odors.** Facilities and establishments may not emit noxious odors or fumes, in accordance with the city's zoning ordinance regarding visibility of activities; control of emissions.
- e. **Artificial lighting.** Any artificial grow lighting must not be visible from neighboring properties, streets, or rights-of-way.
- f. **Security.** Facilities and establishments shall have:
 - (1) A monitored alarm system (24 hours per day and seven days a week);
 - (2) A safe for all cash, cash equivalents, and marihuana stored in the facility or establishment overnight shall be in a room secured by commercial grade security doors;
 - (3) Monitored security cameras covering, at a minimum, all parking areas, entrances and exits, points of sale, and all areas where marihuana is stored or handled. All security recordings must be maintained for a minimum of forty-five (45) days and provided to law enforcement upon request;

- g. ***Display of permit.*** The permit issued by the city and the license issued by the state shall be prominently displayed within the facility in a location where it can be easily viewed by the public.
- h. ***Systems.*** All facilities and establishments shall have electrical, fire safety, plumbing, filtration and waste disposal systems, which are appropriate and consistent with best industry practices for the business being conducted.

2. ***Prohibited acts.***

- a. No person under the age of eighteen (18) shall be permitted to enter a facility unless the person has a medical marihuana card and is accompanied by a legal guardian over the age of eighteen (18).
- b. No marihuana may be smoked, used, or consumed at any facility.
- c. It shall be unlawful for any licensee to permit the consumption of alcohol beverages on the licensed premises.
- d. No facility or establishment may operate under a temporary certificate of occupancy. Facilities and establishments shall be in full compliance with all applicable legal requirements in order to operate.
- e. It shall be unlawful for any licensee holding a provisioning center or retailer license, or for any agent, manager, or employee thereof to:
 - (1) Sell, give, dispense or otherwise distribute medical marihuana or adult use marihuana paraphernalia from any outdoor location;
 - (2) Sell, give, dispense or otherwise distribute to any patient or primary caregiver who is not a licensee more usable form of medical marihuana (including the useable medical marihuana equivalent of medical marihuana-infused products) within any seven-day period of time than they are allowed by the MMMA to possess;
 - (3) It shall be unlawful for a provisioning center or retailer to distribute marihuana or marihuana-infused products to a consumer free of charge.

3. ***Inspection of licensed premises.***

- a. Application for medical marihuana facility or adult use marihuana establishment license or operation of a medical marihuana facility or adult use marihuana establishment, or leasing property to a medical marihuana facility or adult use marihuana establishment, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit law enforcement, or their designee, to conduct routine examinations and inspections of the

medical marihuana facility or adult use marihuana establishment to ensure compliance with this section or any other applicable law, rule or regulation.

- b. During all business hours and other times when the premises are occupied by the licensee or an employee or agent of the licensee, all licensed premises shall be subject to examination and inspection by law enforcement and any other city departments for the purpose of investigating and determining compliance with the provisions of this section and any other applicable state and local laws or regulations.
 - c. For the purposes of this section, examinations and inspections of medical marihuana facilities and adult use marihuana establishments and recordings from security cameras in such businesses are part of the routine policy of enforcement of this section for the purpose of protecting the public safety, individuals operating and using the services of the medical marihuana facilities and adult use marihuana establishments, and the adjoining properties and neighborhoods.
 - d. A licensee, or an employee or agent of the licensee, shall not threaten, hinder or obstruct a law enforcement officer or a city inspector or investigator in the course of making an examination or inspection of the licensed premises and shall not refuse, fail, or neglect to cooperate with a law enforcement officer, inspector, or investigator in the performance of his or her duties to enforce this section, the Acts, or applicable state administrative rules.
- E. ***Other laws remain applicable.*** To the extent the State of Michigan adopts in the future any additional or stricter law or regulation governing the sale or distribution of marihuana, the additional or stricter regulation shall control the establishment or operation of any medical marihuana facility or adult use marihuana establishment in the city. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license, and noncompliance with any applicable state law or regulation shall be grounds for the revocation or suspension of any license.
- F. ***Grant of administrative authority.*** The city clerk is granted the power and duty, through its official designation, to fully and effectively implement and administer the license application process and issuance of operating licenses issued by the city under this section. The city clerk, after consultation with other city departments, may promulgate such rules as necessary to implement and administer this section.
- G. ***Violations and penalties.***
- 1. In addition to the possible denial, suspension, revocation or nonrenewal of a license under the provisions of this section, any person, including, but not limited to, any licensee, manager or employee of a medical marihuana facility or adult use marihuana establishment, or any customer of such business, who violates any of the provisions of this section, shall be guilty of a misdemeanor punishable in accordance with this section unless a different penalty is provided herein.
 - 2. If a facility is operated in violation of the Act or any applicable ordinance, or if the

Licensee is found to have submitted false or misleading information in its permit application, the city may revoke the permit for such facility to operate within the city. The city retains the right to alter the number and type of facilities and establishments authorized hereunder at any time. Any permit granted hereunder is a revocable privilege granted by the city and is not a property or other legal right.

3. With respect to any facility that is in violation of any requirement or restriction set forth in this section, the Licensee of a facility, all persons identified pursuant to the Acts, and any on-site manager shall be subject to the following penalties:
 - a. Any violation shall be a misdemeanor and may be punished by a fine of not more than \$1,500.00 and/or imprisonment not exceeding ninety (90) days and the violator(s) shall pay all court costs and expenses.
 - b. The penalties set forth herein are non-exclusive and cumulative, and nothing herein shall be deemed to prevent city from enforcing any other applicable ordinance.
 - c. In addition to the remedies provided herein, the city may file for injunctive relief to abate any violation hereof.

EFFECTIVE DATE

The provisions of this ordinance shall take effect _____ days after being adopted by the municipal council and duly published.

I hereby certify that the above ordinance was adopted by the municipal council of the City of West Branch, Michigan, at a regular meeting held on the _____ day of _____ 2022.

Mayor

City Clerk

Adopted: _____, 2022

Published: _____, 2022



City of West Branch Application for Marihuana Facilities License

(CITY OF WEST BRANCH ORDINANCE 22-02)

☐ New

☐ Renewal (shall be filed at least 90 days prior to the date of license expiration)

☐ Amendment

☐ Transfer of Fully Licensed Existing Establishment

Applicant Contact Information

(First, Middle, Last Name of Contact for this Application)

(Title)

(Email address)

(Phone)

(Mailing address)

(City)

(State/Zip)

Description of the individual's role in this application:

Type of Permit Requested

Check only one – a separate permit application must be completed for each permit type.

- ☐ Medical Marihuana Provisioning Center
- ☐ Adult Use Marihuana Retailer
- ☐ Grower ☐ Class A ☐ Class B ☐ Class C _____ # of grower licenses
- ☐ Processor
- ☐ Secure Transporter
- ☐ Safety Compliance Facility

Facility Location

(Business Name)

(Physical Address)

(City)

(State/Zip)

(Phone)

(Fax)

(Email)

Facility/License Owner

(Facility/License Owner)

(Federal Tax Identification Number)

(Physical Address)

(City)

(State/Zip)

(Phone)

(Fax)

(Email)

☐ Self – Individual Owner

☐ Corporation*

☐ LLC*

☐ Partnership*

*For anything other than "Self," attached a separate sheet listing all information for directors, officers, members, partners, and individuals.

Facility or Business Manager

(Name)

(Mailing Address)

(City)

(State/Zip)

(Phone)

(Fax)

(Email)

Are there other facility or business managers? ☐ Yes

☐ No

If Yes, how many? _____

Attached a separate sheet listing contact information for all other facility or business managers.

Property Owner

(Name)

(Mailing Address)

(City)

(State/Zip)

(Phone)

(Fax)

(Email)

Each person named on the application, including any true party of interest as defined by Michigan law, must fill out the following questions. Please duplicate this as needed (pages 3-4).

(Name)

(Mailing Address)

(City)

(State/Zip)

(Phone)

(Fax)

(Email)

Please list all residential addresses over the past three years (indicate timeframe you resided at each address).

Description of individual's role in this application:

Have you had building/code violations or delinquent taxes/utility bills? ☐ Yes ☐ No

Have you ever violated, been accused by a municipality of violating, or been convicted of violating an ordinance similar to the city's ordinances regulating marihuana facilities?

If yes, provide detailed information here:

☐ Yes

☐ No

Have you ever applied for or been granted any commercial license or certificate issued by any governmental agency concerning marihuana that has been denied, restricted, suspended, revoked or not renewed?

☐ Yes

☐ No

If yes, please attach a statement describing the facts and circumstances describing the application, denial, restriction, revocation, or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.

Do you have any interest in any other application for a permit or approved permit under City's ordinances?

If yes, provide relevant information here:

☐ Yes

☐ No

Do you have any interest in any other marihuana facility in Michigan?

If yes, provide relevant information here:

☐ Yes

☐ No

Indicate any businesses you have owned, your occupation, and employer for the 5 years including and immediately preceding this application: (attach additional pages if necessary)

Attachments

Please attach the following and clearly label each required attachment.

☐ **Attachment A: Application fee and ID.** Submit \$1,500 for all new and renewal applications. Please make check payable to "City of West Branch." Present a suitable form of identification along with the fee.

☐ **Attachment B: Ownership or Authorization to use Property.** Proof of ownership or authorization to use the property for a marihuana facility. If the applicant is not the owner of the proposed licensed premises:

- ☐ 1. A notarized statement from the owner of such property authorizing the use of the property for a marihuana facility, if the applicant is not the owner of the proposed licensed premises
- ☐ 2. A copy of any deed reflecting the applicant's ownership of, or lease reflecting the right of the applicant to possess, or an option reflecting the applicant's right to purchase or lease, the proposed licensed premises.

Please note that the City of West Branch Zoning Ordinance requires marihuana facilities and establishments to be a distance of at least 300 feet to any building used for education, child care, or addiction treatment purposes or a park. This measurement shall be the distance from any building in which the facility or establishment is operating and an eligible building on another lot or to the lot line of a park.

☐ **Attachment C: Prequalification.** Proof of prequalification by the State of Michigan for a marihuana facility state license including a copy of the application form submitted to LARA for prequalification (attachments are not required).

Attachments D, E, F, and G are for Provisioning Centers/Retailers only. All other facilities should proceed to attachment H.

☐ **Attachment D: Qualifications of Applicant.** Please include the following:

- ☐ 1. Detailed description of the applicant's experience with owning (51% or more), operating, and/or managing a business with inventory tracking and control with a minimum of one year of experience.
- ☐ 2. Detailed description of the applicant's experience with owning (51% or more), operating, and/or managing a business in a highly regulated industry (minimum of 1 year). Highly regulated means subject to regulations by LARA or a similarly regulated agency (state or federal).

☐ **Attachment E: Business Plan.** Please include the following:

- ☐ 1. Detailed description of estimated capital investment (defined as a fixed asset which is purchased for long-term use and not likely to be converted quickly into cash – such as land, buildings, and equipment).
- ☐ 2. Business plan with daily operations schedule.
- ☐ 3. Proposed staffing plan, complete with descriptions of job duties, proposed wages, and employee qualifications/hiring criteria
- ☐ 4. Documented employee policy book and code of ethics to ensure honesty and integrity of employees.
- ☐ 5. Sworn attestation that the Applicant and/or parties with 25% or more interest in the company have not been subject to any civil monetary judgements entered against it in the last 7 years, excluding family law matters or estate disputes.
- ☐ 6. Sworn attestation that the Applicant and/or parties with 25% or more interest in the company have not filed bankruptcy within the last 7 years.

☐ **Attachment F: Security Plan.** Please include the following:

- ☐ 1. Detailed description of plan to deter and prevent unauthorized entrance into the facility.
- ☐ 2. Detailed description of plan to deter and prevent theft and diversion.

- ☐ 3. Detailed description of plan for 24/7 video surveillance inside and outside of facility. Plan shall include a security system that alerts owner of possible tampering with facility/contents.
- ☐ 4. Detailed description of plan for secure storage of marihuana and proceeds.
- ☐ 5. Detailed description of plan for record keeping and inventory management.
- ☐ 6. Provide copies of material safety data sheets for hazardous materials and the plan for storage and disposal (or a sworn attestation that no hazardous materials will be on the premises at any time).
- ☐ **Attachment G: Economic Impact.** Please include the following:
- ☐ 1. Description of employee hourly wages which shall be at least 200% of the Federal Poverty Level for a family of two, at its hourly basis for all employees.
- ☐ 2. Description of employee benefit package.
- ☐ **Attachment H: Plans for Planning Commission Review.** Please include the following:
- ☐ 1. Site Plan (for Special Land Use approval by the Planning Commission). Site plan shall contain all items listed in Section 5.5 (Site Plan Data Required) and Section 6.2 (Special Use Applications) from City of West Branch Zoning Ordinance in addition to the following:
- Site Plan should show public, private, and secured areas.
 - For growers, the site plan must also show secured areas and any type of outdoor storage.
- ☐ 2. Other Plans:
- a. **Growers** shall provide the following (if applicable):
- (1) Cultivation Plan
 - (2) Wastewater Plan & Disposal Plan
 - (3) Mold/Mildew/Pest Control Plan
 - (4) Air Quality Plan
 - (5) Mechanical Plan
 - (6) Electrical Plan (as prepared by a licensed electrician and a certification that the premises are equipped to safely accept and utilize the required or anticipated electric load for the facility)
- b. **Processors** shall provide the following (if applicable):
- (1) A detailed description of products to be produced including
 - (2) Plant Waste Disposal Plan

- (3) Wastewater Plan
- (4) Mechanical Plan

c. **Provisioning Centers/Marihuana Retailers** shall provide the following (if applicable):

- (1) Description of products and services to be provided
- (2) Plant Waste Disposal Plan.

I, the undersigned, have the authority to sign this application on behalf of _____ (“the Facility or Company”). I have read all of the above answers, including all sheets and information provided in connection with this application and they are true and correct. The Facility agrees to comply with all terms and conditions of a permit as it may be issued. Finally, I understand that the Facility has a continuing duty to provide the City of West Branch with current information and will notify the City Clerk in writing of any changes to the Facility’s mailing address, phone numbers, electronic mail address or other contact information as well as changes to any other information the applicant has provided to the City as part of the permit application within ten (10) days of any such change occurring. I acknowledge that the City of West Branch may be required from time to time to release records in its possession. The applicant hereby gives permission to the City of West Branch to release any records or materials received by the City from the applicant as it may be requested to do so as permitted by the Freedom of Information Act, MCL 15.231 et seq.

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Business: _____

Submit application to:

West Branch City Clerk
121 N. Fourth St.
West Branch, MI 48661
Phone: (989) 345-0500
Fax: (989) 345-4390
clerk@westbranch.com

False information included on this application shall be a basis for the City of West Branch to deny the application.

Checklist for Application

- ☐ 1. **Signed application form**
- ☐ 2. **Attachment A** (Application Fee and Identification)
- ☐ 3. **Attachment B** (Ownership or Authorization to use Property)
- ☐ 4. **Attachment C** (Prequalification)
- ☐ 5. **Attachment D** (Qualifications of Applicant) – RETAILERS/PROVISIONING CENTERS ONLY
- ☐ 6. **Attachment E** (Business Plan) – RETAILERS/PROVISIONING CENTERS ONLY
- ☐ 7. **Attachment F** (Security Plan) – RETAILERS/PROVISIONING CENTERS ONLY
- ☐ 8. **Attachment G** (Economic Impact) – RETAILERS/PROVISIONING CENTERS ONLY
- ☐ 9. **Attachment H** (Plans)

Checklist for License

After application has been approved, the following shall be submitted to the City Clerk prior to the issuance of a Marihuana Facilities License:

- ☐ 1. **Licensing Fee.** A licensing fee of \$5,000 shall be paid. Applicant will be credited \$1,500 which was paid at the time of application, so final payment is equal to \$3,500.
- ☐ 2. **Proof of Insurance.** A licensee shall at all times maintain full force and effect for duration of the license, workers compensation as required by State law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan having an AM Best rating of at least A-. The policy shall name the City of West Branch and its officials and employees as additional insureds to the limits required by this Section. A licensee or its insurance broker shall notify the city of any cancellation or reduction in coverage within seven (7) days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the City Clerk within five (5) business days in the event of expiration or cancellation of coverage.
- ☐ 3. **Certificate of Occupancy.** A Certificate of Occupancy issued by the Ogemaw County Building Department.
- ☐ 4. **State License.** A copy of Marihuana licensed issue issued by the State of Michigan Department of Licensing and Regulatory Affairs.
- ☐ 5. **Other.** Any other information that the City Clerk, law enforcement, Fire Chief, Public Works Supervisor, Zoning Administrator, City Manager, and/or City Attorney or their designees reasonably determines to be necessary in connection with the investigation and review of the application.



**Summary of Application Steps for Marihuana
Provisioning Centers/Retailers, Growers, Processors, Secure Transporters, & Safety Compliance
Facilities/Establishments**

STEP 1: Submit licensing application (can be done concurrently with Step 2 below if a merit based review is not occurring). Application includes the following:

1. Contact info
2. Type of permit requested
3. Facility location
4. Facility/license owner
5. Facility or business manager
6. Information about each person named in the application
7. Application fee and copy of ID (ATTACHMENT A)
8. Ownership or Authorization to use Property (ATTACHMENT B)
9. Prequalification from State of Michigan (ATTACHMENT C)
10. Qualifications of Applicant (ATTACHMENT D) – **Provisioning Centers and Retailers Only**
11. Business plan (ATTACHMENT E) – **Provisioning Centers and Retailers Only**
12. Security plan (ATTACHMENT F) – **Provisioning Centers and Retailers Only**
13. Economic Impact (ATTACHMENT G) – **Provisioning Centers and Retailers Only**
14. Plans (Site Plan; Special Use Application; Other Plans) (ATTACHMENT H)

STEP 2: Submit Site Plan for Special Land Use. Include all info in Article 6 (Section 6.2) of the City of West Branch Zoning Ordinance. Planning Commission reviews Special Land Use using approval standards in Section 6.5 and approves Special Use/Site Plan contingent upon issuance of Marihuana License. **(Applicants participating in a merit-based review process wait until they are notified that they should proceed with this step).**

STEP 3: Application Review and Approval.

1. **Initial Merit Based Review for Licenses which are Capped - Provisioning Centers, Retailers, Processors, Safety Compliance Facilities and Secure Transporters:** (Growers follow #2 below)
 - a. After the Marihuana Licensing Ordinance becomes effective, the city will hold an open application period of 30 days.

- b. If more applications than there are licenses available are submitted, those applications will be review based on merit using a scoring rubric.
 - c. Individuals are notified of their placement and informed to proceed with the submission of a Special Land Use application.
2. **Review of Applications after Initial Merit Based Review (all license types):** Applications will be reviewed on a first come, first serve basis.
 - a. Within 14 days of application submittal, city staff will determine if the application is complete and will notify the applicant if there are deficiencies.
 - b. After receiving notification from city staff pursuant indicating application deficiencies, the applicant shall have 14 days from the date of said notification to submit additional information.
 - c. Within 30 days of the application being determined to be complete, city staff will review the application to determine compliance with the Marihuana Facilities Licensing Ordinance (21-06) and shall notify the applicant that the applicant is approved to proceed with the next step.

STEP 4: Building Permit. Applicant applies for and obtains a building permit, if applicable. (Contact the Ogemaw County Building Department to determine if a building permit is required.)

STEP 5: Inspection. Occupancy inspection by the Ogemaw County Building Official in accordance with the Michigan Building Code. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any medical and adult use marihuana and prior to the opening of the business to any patients or the public.

STEP 6: Request for Final Information. City Clerk notifies applicant that the application was approved and asks for the following:

1. **Licensing fee.** \$5,000 licensing fee shall be paid. Applicant will be credited \$1,500 which was paid at the time of application, so final payment is equal to \$3,500.
2. **Proof of insurance.** A licensee shall at all times maintain full force and effect for duration of the license, workers compensation as required by State law, and general liability insurance with minimum limits of \$1,000,000 per occurrence and a \$2,000,000 aggregate limit issued from a company licensed to do business in Michigan having an AM Best rating of at least A-. The policy shall name the City of West Branch and its officials and employees as additional insureds to the limits required by this Section. A licensee or its insurance broker shall notify the city of any cancellation or reduction in coverage within seven (7) days of receipt of insurer's notification to that effect. The licensee, permittee, or lessee shall forthwith obtain and submit proof of substitute insurance to the City Clerk within five (5) business days in the event of expiration or cancellation of coverage.

3. **Certificate of Occupancy.** Issued by the Ogemaw County Building Department. Upon issuance, a copy of the occupancy permit must be provided to the City Clerk.
4. **State License.** Copy of marihuana license issued by the State of Michigan Department of Licensing and Regulatory Affairs.
5. **Other.** Any other information that the City Clerk, law enforcement, Fire Chief, Public Works Supervisor, Zoning Administrator, City Manager, and/or City Attorney or their designees reasonably determines to be necessary in connection with the investigation and review of the application.

STEP 7: License. City Clerk issues license.

APPEALS PROCESS

1. **Appeal of Licensing Decision:**
 - a. Appeals of a denial of a City of West Branch Marihuana Facilities License shall be made to the City Council within 30 days of the notification of denial.
 - b. The applicant must submit a narrative request for due process that includes detailed information and all supporting documentation for any/all points they wish to have City Council consider.
 - c. Within 30 days of notification of appeal by the applicant, a due process review shall be conducted at a public meeting of the council and a concurring vote of a majority of the members of the full City Council is necessary to reverse an order, requirement, decision or determination of an administrative official.
 - d. The applicant must be present at the designated council meeting or forfeits their right to due process.
 - e. The decision of the City Council is final.
2. **Appeal of Planning Commission Decision for Special Land Uses:** The City of West Branch Zoning Board of Appeals has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Uses. Special Land Use appeals shall be made to the Circuit Court for Ogemaw County.

MARIHUANA SCORING RUBRIC

Any marihuana facility of establishment that contains a maximum number of licenses issued will be processed through a merit based review scoring system. A city staffed- selection committee will rely on this scoring rubric to evaluate each application.

ONCE SCORED, THE APPLICATIONS WILL BE RANKED FROM HIGHEST TO LOWEST.

Note to Applicants: All licensees will be required to be in full compliance with the requirements for license set forth in the Marihuana Licensing Ordinance, _____, prior to issuance of license.

Instructions: Each of the below-listed criteria will be reviewed separately, independent of any other, related criteria.

Applicant Name: _____

Scorer Name: _____

SECTION 1. QUALIFICATION OF APPLICANT	YES	NO
1. License owner demonstrates a history of operating a business- More than 2 years of experience.	1	0
2. License owner demonstrates a history of operating a business- More than 5 years of experience.	2	0
3. Applicant demonstrates experience with owning (51% or more), operating, and/or managing a business with inventory tracking and control (min. of 1 year)	1	0
4. Applicant demonstrates experience with owning (51% or more), operating, and/or managing a business in a highly regulated industry (min. of 1 year) Highly regulated means subject to regulation by LARA or a similarly regulated agency (state or federal)	2	0
5. Applicant with at least 10% ownership resides within Ogemaw County.	1	0
6. Applicant with at least 10% ownership resides within the City of West Branch.	2	0
Total possible points for SECTION 1 = 9		
SECTION 2. ABILITY TO OPERATE	YES	NO
Applicant presents a detailed description of estimated capital investment of real or personal property. Capital investment is defined as a fixed asset, which is an asset purchased for a long-term use and not likely to be converted quickly into cash such as land, buildings, and equipment	1	0
1. Capital Investment (applicant may only receive points for a or b below (not both))		
a. Capital investment of at least \$500,000.	1	0
b. Capital investment of at least \$900,000.	2	0
2. License owner is the building owner or will be purchasing the building within one year.	2	0

3. License owner will be leasing the building.	1	0
4. Applicant has provided professional materials that show the complete proposed project (interior and exterior)	1	0
Total possible points for SECTION 2 = 8		
SECTION 3. ECONOMIC & NEIGHBORHOOD IMPACT	YES	NO
1. Jobs: Full-Time Equivalent (applicant may only receive points for either a, b, <u>or</u> c below		
a. Applicant proposes to create at least 3.0 FTE.	1	0
b. Applicant proposes to create at least 6.0 FTE.	2	0
c. Applicant proposes to create at least 9.0 FTE.	3	0
2. Applicant's plan details economic benefits to the City by way of improvements to real property.	1	0
3. Applicant proposes to use existing building or structure.	1	0
4. Applicant proposes to construct a new facility.	3	0
5. Applicant makes commitment to specific neighborhood improvements	1	0
6. Applicant commits to physical improvements to exterior of existing building or structure.	1	0
7. Applicant commits to outdoor advertising signage which contains no pictures, photographs, drawings, or depictions of marihuana or marihuana paraphernalia and does not contain the following words: marihuana, marijuana, cannabis, weed, blunt, doobie, joint, hooch, hash, or other similar slang term for marihuana or marihuana-related products.	3	0
8. Applicant submits maintenance plan that provides for upkeep of property, including exterior or right-of-way.	1	0
9. Applicant commits to hiring Ogemaw County contractors for work and improvements to the proposed facility.	2	0
10. Applicant proposes to use an existing building or construct a new building that will house two or more different types of licenses (example retail and grow)	3	0
SECTION 4. APPLICANT IN GOOD STANDING	YES	NO
Applicant has no open zoning violations, or open or prior building violations in the City.	0	-2
Applicant has no past due bill or tax liens with the City or Ogemaw County.	0	-1
Total possible points for SECTION 4 = -3		
TOTAL POINTS		

TIE BREAKER = 1 point will be awarded to the applicant with the largest percentage of ownership residing in Michigan.



City of West Branch

121 N 4th St, West Branch, Michigan 48661
(989)345-0500 • Fax (989)345-4390 • www.westbranch.com

Special Event Permit

Event Name: Little League Baseball Bash

Event Date: 7-22-22 Start Time: _____ End Time: _____

Name of Sponsoring Organization: West Branch Little League

Address: Po Box 23, West Branch, 48661

Contact Person: Katie Keith Phone Number: 989-387-1848

Describe the purpose of this event: Minor Little League Boys State Final Entertainment Event

Point of Assembly and/or proposed route (attach separate diagram if needed):

- Using all of main part of Houghton Ave.

If requesting a road closure Road closure Start time: 5:00 End time: 9:00

Road closure location: 2nd to 4th

In an effort to help your event run smoothly you must make sure the following departments are aware of and/or can staff your event. **Please obtain signatures from each department listed advising us that they are aware:**

West Branch City Police - services NOT needed ☐ arrangements have been made ☒

Chief of Police

Ogemaw County Posse - services NOT needed ☐ arrangements have been made ☒

Chief of Police

West Branch City DPW - services NOT needed ☐ arrangement have been made ☒

[Signature]
DPW Superintendent




City of West Branch

121 N 4th St, West Branch, Michigan 48661
(989)345-0500 • Fax (989)345-4390 • www.westbranch.com

Additional Terms and Conditions:

1. Sponsoring Organization agrees that it will fully comply with the terms of this permit and will also comply with all State, County, and Local ordinances that may pertain to the event.
2. Sponsoring Organization further agrees and understands that it shall hold harmless and indemnify the City, its officers, employees, contractors, subcontractors, representatives, and agents from and against any and all civil actions, claims, judgments, injuries and/or damages including attorney fees resulting and/or arising from the special event and/or from the actions and/or omissions of the special event.
3. Sponsoring Organization further agrees and understands that it shall hold harmless and indemnify the City, its officers, employees, contractors, subcontractors, representatives, and agents from and against any and all civil actions, claims, judgments, injuries and/or damages including attorney fees resulting and/or arising from the special event and/or from the actions and/or omissions from third parties hired or are volunteers of Sponsoring Organization.

Sponsor Organization signs this Agreement after having fully reviewed the terms and conditions set forth above and agree to be responsible for full compliance of such terms and conditions.


Applicant Signature

4-6-22
Date

For Office Use Only:

Permit Approved – Yes / No

Council meeting date _____

Manager / Clerk Signature

MEMORANDUM OF UNDERSTANDING SCHOOL RESOURCE OFFICER PROGRAM

BETWEEN West Branch-Rose City Area Schools AND the West Branch Police Department

We do hereby agree that it is mutually beneficial to all parties for a West Branch Police Officer to be assigned as a School Resource Officer to the Surline campus within the District of the West Branch-Rose City Area Schools. It is understood by all parties that any officer will be an employee the West Branch Police Department.

The purpose of this document is to facilitate a clear understanding of roles, duties, and responsibilities. This Memorandum of Understanding (MOU) is being set forth on this date _____ with full recognition that the agreement and document must be a living document to allow for program evolution and provide for some West Branch Police Department and West Branch-Rose City Area Schools variances, needs, and future changes. This MOU is being set forth to provide universal clarification of expectations, to minimize confusion, and to provide for consistency between officers, schools, principals, and directors.

The West Branch Police Department recognizes and supports the need for safe schools and a safe learning environment for our youth. In furtherance of that goal, the West Branch Police Department School Resource Officer shall work in partnership with school officials toward this end. The schools will provide a private office, office furnishings, telephone, and a computer to the SRO for his/her use in the school. The Police Department will provide any required police equipment, including radios and motorized and non-motorized vehicles to the SROs.

MISSION STATEMENT - SCHOOL RESOURCE OFFICER PROGRAM

Through education and enforcement and by cooperative efforts with the school staff, the students, the parents, the courts, the surrounding neighborhood, and the community's social service organizations, the SRO program strives to assist the schools with providing a safe school and neighborhood environment, and strives to hold juveniles responsible for their actions and prevent individual problems from developing into patterns of delinquency.

WEST BRANCH POLICE DEPARTMENT SCHOOL RESOURCE OFFICER PROGRAM

PROGRAM OBJECTIVES:

1. Friendly contact between the Police Department and the school district's youth.
2. Assistance and information sharing concerning problems and issues affecting the schools and students.
3. Education of children regarding the role of laws, courts, and Police in society.
4. Protection and education of children involving molestation, involvement with older law violators, and other harmful influences.
5. Investigation of cases involving juveniles and use of effective alternatives to court whenever possible.
6. Prevention of crime or delinquent behavior by juveniles within the School Resource Officers' areas of assignment.
7. Effective problem solving and liaison with neighborhoods surrounding the schools, which are affected negatively by the conduct of students.

It should be recognized that School Resource Officers:

- ◆ are encouraged to act and work as a school official when requested, and to work as a team with other school officials for the betterment of students and the school and neighborhood environment as a whole;
- ◆ are expected to work extracurricular activities as requested by the school administrator. It is recognized by all parties that these assignments provide further opportunities for crime prevention and crime detection. Any work by the SRO in this capacity will be approved by the police department or designee and will be consistent with the FLSA and union contracts. The SRO will not be used as a replacement officer for off-duty/special duty assignments. It will not relieve the school district of the need to provide adequate security at special events. All after hours work shall be approved by the SRO supervisor in advance;
- ◆ are expected to keep the school principal or his designee informed about law enforcement action which occurs on school property and/or which may involve a student. This, of course, will occur consistent with the laws of the State of Michigan.
- ◆ are police officers assigned as Uniform Patrol Officers of the West Branch Police Department. As such, their primary responsibilities are to investigate criminal cases involving youth, maintain order through the enforcement of local, state and federal laws, and enforcement of the school code of conduct for the purpose of maintaining a safe and effective learning environment in the schools;
- ◆ are to be involved in school discipline, when it pertains to preventing a disruption that would, if ignored, place students, faculty and staff at risk of harm, the SRO will resolve the problem to preserve the school climate. IN ALL OTHER CASES, disciplining students is a school district responsibility, and the SRO will take students violating the code of conduct to the principal where school discipline can be meted out.
- ◆ are governed by the rules, policies, shifts, schedules, procedures and practices of the West Branch Police Department under the supervision of the Chief of Police.
- ◆ are expected to attend all training, meetings and appointments assigned by the police department. It is recognized that some of these will conflict with officer availability at the school during normal school hours. These conflicts will be minimized as much as possible but the potential exists that such requirements will take precedence over school presence. The officer shall strive to keep the school principal or his/her representative informed about his/her absences and/or activities as appropriate on a need to know basis;
- ◆ are governed and covered by the current Collective Labor Agreement between the City of West Branch and the West Branch Police Department.
- ◆ are considered by the West Branch Police Department as “non-exempt” employees covered by the Fair Labor Standards Act and subject to it and the Police Union Contract for compensation and pay; Duty assignment in the summer months, when school is not in session, will be under the direction of the Chief of Police or his/her designee. SRO's may also be required to work regular police duty assignments, at other times when school is not in session, when so directed by the Chief of Police or his/her designee;
- ◆ are police officers and not school teachers, school administrators, nor school counselors. The officers will assist teachers with classroom presentations on relative topics when requested and able. They will also work with families, individual students and other school staff members with counseling and guidance efforts when requested and appropriate. We, the undersigned, encourage team work,

partnerships, cooperation and coordination between the officers, their supervisors and the school administrators and their staff, as well as with the surrounding neighborhood;

◆ SROs, School Administration for the respective schools and the Chief of Police or designee, will meet at the beginning of each school year to determine the goals and objectives of the SRO for the respective school. An assessment mechanism will be developed jointly, in an effort to determine the effectiveness of the SRO program.

Quarterly and year end meetings will be held to determine progress and to make adjustments as needed.

SELECTION AND FINANCIAL CONSIDERATION

Officers will be selected by means of a joint selection committee, comprised of three (3) representatives from the West Branch-Rose City School District who will be appointed by the Superintendent of Schools and three (3) representatives from the West Branch Police Department who will be appointed by the Chief of Police. The selection committee will make recommendations to the Chief of Police or designee. While he/she will duly consider the committee's recommendations, selection of each School Resource Officer is within the discretion of the Chief of Police or designee with final approval from Superintendent. Compensation will be provided by grant money available to the district. If this grant money becomes unavailable, both parties agree that the position will be eliminated after the 3 year contract period. Should the current funding source become unavailable within the 3 year contract period, both entities will make a concerted effort to research and exhaust other means of compensation to comply with the agreement. Compensation from the district for the officer will be as follows:

2022-23 School Year	\$57,100
2023-24 School Year	\$57,100 (or equal rate with other SRO's in District)
2024-25 School Year	\$57,100 (or equal rate with other SRO's in District)

PROGRAM ASSESSMENT

The School Resource Officer Program will be assessed annually, and the evaluation will be conducted jointly between the West Branch Police Department and West Branch-Rose City Area Schools. The following areas, at a minimum, will be used to evaluate the program:

- ◆ Success of established goals and objectives.
- ◆ An internal survey of administration, faculty and student council members, primarily concerning perceptions of safety and security.
- ◆ Traditional police-citizen contacts (citations, arrests, FIRs, etc.).
- ◆ Non-traditional police-citizen contacts (meetings attended, problem areas addressed, student or family interviews, etc.).
- ◆ Surrounding neighborhood feedback and reaction to police efforts to address issues concerning the schools and students.
- ◆ Accomplishment of tasks agreed upon as part of any work plan written in conjunction with the Principal.

Each officer's effectiveness in the program will be evaluated at the end of each school term. The principals will provide input into the evaluation. This may include a recommendation to the Chief of

Police or designee that the officer not be assigned to that school the following year. The Chief of Police or designee will seriously consider the evaluation and the input of the Superintendent when assigning an officer to a building, and will make a good faith effort to address any concerns raised. Ultimately, however, the final decision on which officer will be assigned as a school resource officer is within the sole discretion of the Chief of Police or designee.

EFFECTIVE DATE

This Memorandum of Understanding is effective _____ and shall remain in effect through _____ unless renewed by agreement of both parties or terminated as provided herein.

TERMINATION OF AGREEMENT

Either party may terminate this agreement upon sixty (60) days written notice to the other party or immediately if grant funding becomes unavailable.

MODIFICATION; ENTIRE AGREEMENT OF PARTIES EXPRESSED

No modification of this Agreement shall be valid or binding unless the modification is in writing, duly dated and signed by both parties.

Executed this _____

West Branch—Rose City Area Schools

By: _____
Superintendent of Schools

West Branch Police Department

By: _____
West Branch Chief of Police

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN PERSON AND VIA VIDEO CONFERENCE
IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET ON MONDAY, APRIL 4, 2022.

Mayor Frechette called the meeting to order at 6:00 p.m.

Present: City Mayor Paul Frechette, Council Members Carol Adair, Joanne Bennett, Mike Jackson, Ellen Pugh, Rusty Showalter and Cathy Zimmerman

Absent: None

Other officers present: City Manager John Dantzer City Clerk Lori Ann Clover, DPW Superintendent Mike Killackey, and EDC Representative Tiffany Schmieder-Kups

All stood for the Pledge of Allegiance.

* * * * *

Mayor Frechette made additions to the agenda under X. New Business to include G. Houghton Avenue Reconstruction Engineering Work and H. Michigan State Police Post.

* * * * *

Public hearing was held for the introduction of Ordinance 22-02 of 2022 entitled "The City of West Branch Medical Marihuana and Marihuana Facility and Adult Use Marihuana Establishment Licensing Ordinance". No one was in attendance and no comments were mailed or dropped off. At the Planning Committee meeting the one objection stated was that the person was not in favor of marijuana use as it was a gateway drug. City Manager introduced an addition to the Marihuana Scoring Rubric as #10. Applicant proposes to use an existing building or construct a new building that will house two or more different types of licenses (example retail and grow) Yes 3 points and no 0 points.

MOTION WAS MADE BY FRECHETTE, SECOND BY BENNETT TO CLOSE THE PUBLIC HEARING

Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

MOTION BY BENNETT, SECOND BY SHOWALTER, TO APPROVE THE PAYMENT OF BILLS IN THE AMOUNT OF \$54,064.56.

Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

MOTION BY ZIMMERMAN, SECOND BY PUGH, TO APPROVE THE SPECIAL EVENT PERMITS FOR THE INDEPENDENCE DAY PARADE, OGEMAW COUNTY BUSINESS AND COMMUNITY EXPO, AND LIGHT POLE DECORATING CONTEST.

Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

MOTION BY JACKSON, SECOND BY ADAIR, TO INTRODUCE ORDINANCE 22-01 ZONING FOR MARIHUANA FACILITIES AND ESTABLISHMENTS.

Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

MOTION BY JACKSON, SECOND BY ADAIR, TO INTRODUCE ORDINANCE 22-02 REGULATION FOR MARIHUANA FACILITIES AND ESTABLISHMENTS WITH THE INCLUSION OF #10. APPLICANT PROPOSES TO USE AN EXISTING BUILDING OR CONSTRUCT A NEW BUILDING THAT WILL HOUSE TWO OR MORE DIFFERENT TYPES OF LICENSES (EXAMPLE RETAIL AND GROW) YES 3 AND NO 0.

Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

MOTION BY SHOWALTER, SECOND BY PUGH, TO APPROVE THE ADDITIONAL COST FROM THE ORIGINAL BID BY BECKETT AND RAEDER OF \$56,750.00 TO BE SPLIT, 70% COVERED BY THE CITY AND 30% COVERED BY DDA, FOR THE ENGINEERING WORK THAT WAS NOT A PART OF THE ORIGINAL SCOPE OF WORK.

Discussion took place regarding where the money would come from in the budget and disappointment of the original bid from Beckett and Raeder as they were also chosen based on their knowledge of working with MDOT.

Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

Discussion took place regarding placing the old Michigan State Police Post for sale to be able to add it to the tax role. As it sits it is not on the tax role so the City would not loose taxes if offered to the Veteran's

Group. Member Zimmerman spoke with Craig Johnson and he would be in favor of leaving the flag pole if the Veteran's Group took it over and would give wording for a plaque. Manager Dantzer will speak with Yvonne DeRosio to see what the legalities are of putting the property up for sale or open for bids to other organizations to run consecutively with the time frame offered to the veterans' group.

MOTION BY ZIMMERMAN, SECOND BY JACKSON, TO OFFER THE VETERAN'S GROUP APRIL 18, 2022 THROUGH JULY 31, 2022 TO PRESENT A WORKABLE PLAN IN COLLABORATION WITH A CITY COUNCIL COMMITTEE AND THE CITY MANAGER TO USE THE OLD MICHIGAN STATE POLICE POST AS A VETERAN'S FACILITY.

Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

MOTION BY FRECHETTE, SECOND BY BENNETT, TO APPROVE THE MINUTES WITH CORRECTIONS AND SUMMARY FROM THE MEETING HELD MARCH 21, 2022.

Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

MOTION BY SHOWALTER, SECOND BY JACKSON, TO RECEIVE AND FILE THE TREASURER'S REPORT AND INVESTMENT SUMMARY; APPROVE THE MINUTES FROM THE PLANNING COMMISSION MEETINGS HELD JANUARY 11, 2022 AND FEBRUARY 7, 2022; AND THE MINUTES FROM THE ELECTION BOARD MEETING HELD APRIL 1, 2022.

Yes — Adair, Bennett, Frechette, Jackson, Pugh, Showalter, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

Member Showalter congratulated Attorney Meihn on his induction to the Trial Lawyer Hall of Fame. He also asked if the dividers in the council meeting packets could be removed.

Member Zimmerman asked about the contract for Officer Beehler at Surline. He will be there in uniform five days a week and there is a three-year contract with the school. When there is no school he will be put back on patrol.

Member Bennett noted that the ice rink at Irons Park was almost gone.

Member Jackson thanked Manager Dantzer for all the leg work it took to put together the Marihuana Ordinances.

Mayor Frechette seconded congratulations to Attorney Meihn and appreciation for Manager Dantzer's hard work.

EDC Representative Schmieder-Kups stated that they would like to get more involved but was unsure how that would look as they recently lost their director.

Manager Dantzer questioned council on his annual review. Member Pugh will put together a review process and discuss it with Member Showalter and Mayor Frechette before the next meeting.

Mayor Frechette adjourned the meeting at 7:09 pm.

Paul Frechette, Mayor

Lori Ann Clover, Clerk

SUMMARY OF THE REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN PERSON AND VIA VIDEO CONFERENCE IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET ON MONDAY, APRIL 4, 2022.

Mayor Frechette called the meeting to order at 6:00 p.m.

Present: City Mayor Frechette, Council Members Adair, Bennett, Jackson, Pugh, Showalter and Zimmerman

Absent: None

Other officers present: City Manager Dantzer, City Clerk Clover, DPW Superintendent Killackey, and EDC Representative Schmieder-Kups.

All stood for the Pledge of Allegiance.

Mayor Frechette made additions to the agenda under X. New Business to include G. Houghton Ave Reconstruction Engineering Work and H. Michigan State Police Post.

Public Hearing was held for the introduction of Ordinance 22-02 titled "The City of West Branch Medical Marihuana and Marihuana Facility and Adult Use Marihuana Establishment Licensing Ordinance". No one was in attendance and no comments were given. Council approved the motion to close the Public Hearing.

Council approved bills in the amount of \$54,064.56.

Council approved Special event permits for the Independence Day Parade, Ogemaw County Business and Community Expo, and Light Pole Decorating Contest.

Council introduced Ordinance 22-01 Zoning for Marihuana Facilities and Establishments.

Council introduced Ordinance 22-02 Regulation for Marihuana Facilities and Establishments with the inclusion of #10. Applicant proposes to use an existing building or construct a new building that will house two or more different types of licenses (example retail and grow) Yes 3 points and No 0.

Council approved the additional cost from the original bid by Beckett and Raeder of \$56,750.00 to be split, 70% covered by the city and 30% covered by DDA, for the engineering work that was not a part of the original scope of work.

Council approved to offer the veteran's group April 18, 2022 through July 31, 2022 to present a workable plan in collaboration with a city council committee and the City Manager to use the old Michigan State Police Post as a Veteran's Facility.

Council approved the minutes and summary with corrections from the meeting held March 21, 2022.

Council approved the treasurer's report and investment summary; and approved the minutes from the Planning Commission meetings held January 11, 2022 and February 7, 2022; and the minutes from the Election Board meeting held April 1, 2022.

Mayor Frechette, Council Member Showalter, Zimmerman, Bennett, and Jackson gave reports.

EDC Representative Schmieder-Kups gave an update.

Manager Dantzer gave an update.

Mayor Frechette adjourned the meeting at 7:09 pm.

Bank Code		Beginning Balance 04/01/2022	Total Debits	Total Credits	Ending Balance 04/30/2022
Fund	Description				
GEN1	GEN1 - GENERAL CHECKING				
101		849,093.10	75,168.68	97,148.14	827,113.64
150	CEMETERY PERPETUAL CARE	36,806.35	0.00	0.00	36,806.35
209	CEMETERY FUND	5,441.57	250.00	406.21	5,285.36
243	BROWNFIELD REDEVELOPMENT AUTHORITY FU	999.95	0.00	0.00	999.95
248	DDA OPERATING FUND	241,980.75	1,750.69	200.00	243,531.44
251	INDUSTRIAL PARK FUND	7,011.68	0.00	109.41	6,902.27
276	HOUSING RESOURCE FUND	176,655.25	517.77	0.00	177,173.02
318	SEWER DEBT FUND	192,999.39	5,732.27	56.86	198,674.80
319	WATER DEBT FUND	103,490.05	1,159.51	8.14	104,641.42
572	PLANT REPLACEMENT FUND (R&I)	0.90	0.00	0.00	0.90
590	SEWER FUND	307,734.10	9,459.05	19,987.44	297,205.71
591	WATER FUND	823,429.71	9,943.91	4,895.65	828,477.97
592	WATER REPLACEMENT FUND	344,797.59	0.00	0.00	344,797.59
593	SEWER COLLECTION	225,094.38	1,409.52	2,278.11	224,225.79
561	EQUIPMENT FUND	15,993.52	5,230.81	2,626.71	18,597.62
704	PAYROLL CLEARING	24,849.90	41,280.03	41,280.03	24,849.90
705	IRONS PARK ENTERTAINMENT FUND	7,335.81	475.00	0.00	7,810.81
707	YOUTH SAFETY PROGRAM	15.00	0.00	0.00	15.00
	GEN1 - GENERAL CHECKING	3,363,729.00	152,377.24	168,996.70	3,347,109.54
M/LST	MAJOR/ LOCAL STREETS				
202	MAJOR STREET FUND	588,707.06	23,333.43	8,345.74	603,694.75
203	LOCAL STREET FUND	315,899.88	13,662.91	628.47	328,934.32
	MAJOR/ LOCAL STREETS	904,606.94	36,996.34	8,974.21	932,629.07
PAY	PAYROLL				
704	PAYROLL CLEARING	24,399.84	41,280.03	38,625.02	27,054.85
	PAYROLL	24,399.84	41,280.03	38,625.02	27,054.85
CHEM	SAVINGS				
101		459,699.71	0.00	0.00	459,699.71
150	CEMETERY PERPETUAL CARE	1,682.79	0.00	0.00	1,682.79
251	INDUSTRIAL PARK FUND	245.00	0.00	0.00	245.00
571	COLLECTION REPLACEMENT FUND	0.65	0.00	0.00	0.65
591	WATER FUND	26,419.62	0.00	0.00	26,419.62
592	WATER REPLACEMENT FUND	19,791.41	0.00	0.00	19,791.41
593	SEWER COLLECTION	3,183.85	0.00	0.00	3,183.85
561	EQUIPMENT FUND	103,539.18	0.00	0.00	103,539.18
	SAVINGS	614,562.21	0.00	0.00	614,562.21
TAX	TAXES				
701	TAX AGENCY	10,804.12	0.00	0.00	10,804.12
	TAXES	10,804.12	0.00	0.00	10,804.12
	TOTAL - ALL FUNDS	4,918,102.11	230,653.61	216,595.93	4,932,159.79

CASH SUMMARY BY ACCOUNT FOR WEST BRANCH
 FROM 04/01/2022 TO 04/30/2022
 FUND: ALL FUNDS
 INVESTMENT ACCOUNTS

Fund Account	Description	Beginning Balance 04/01/2022	Total Debits	Total Credits	Ending Balance 04/30/2022
Fund 101					
004.300	CERTIFICATE OF DEPOSIT A	100,000.00	0.00	0.00	100,000.00
004.400	CERTIFICATE OF DEPOSIT B	150,000.00	0.00	0.00	150,000.00
		250,000.00	0.00	0.00	250,000.00
Fund 150 CEMETERY PERPETUAL CARE					
004.300	CERTIFICATE OF DEPOSIT C	112,499.74	0.00	0.00	112,499.74
004.400	CERTIFICATE OF DEPOSIT D	115,271.06	0.00	0.00	115,271.06
	CEMETERY PERPETUAL CARE	227,770.80	0.00	0.00	227,770.80
Fund 251 INDUSTRIAL PARK FUND					
004.300	CERTIFICATE OF DEPOSIT A	100,000.00	0.00	0.00	100,000.00
004.400	CERTIFICATE OF DEPOSIT B	25,000.00	0.00	0.00	25,000.00
	INDUSTRIAL PARK FUND	125,000.00	0.00	0.00	125,000.00
Fund 661 EQUIPMENT FUND					
004.300	CERTIFICATE OF DEPOSIT A	150,000.00	0.00	0.00	150,000.00
004.400	CERTIFICATE OF DEPOSIT B	100,000.00	0.00	0.00	100,000.00
	EQUIPMENT FUND	250,000.00	0.00	0.00	250,000.00
	TOTAL - ALL FUNDS	852,770.80	0.00	0.00	852,770.80



West Branch Police Department

Chief Kenneth W. Walters

130 Page St.

West Branch, Michigan 48661

Phone: 989-345-2627 Fax: 989-345-0083

4/11/2022

Honorable Mayor and Council,

This is the March month end report. For the month of March, the department handled 102 Law Enforcement complaints and 5 Blight / Ordinance violations.

The department further made 15 Felony and / or arrestable Misdemeanor arrests. Three arrests were for delivery or possession of Methamphetamine. Unfortunately, Methamphetamine continues to be a growing problem in the area and state. Our officers have been doing a great job, recognizing the signs and indicators of manufacture and those who are using. K9 Kony has been making quite a dent in local Methamphetamine on traffic stops as well.

We continue to move forward, working with school staff on the SRO position, and hope to have a proposal contract presented to the council relatively soon.

Respectfully,

A handwritten signature in black ink, appearing to be 'K. Walters', written over a horizontal line.

Chief Kenneth W. Walters

Offense Count Report

Page: 1

Report Criteria:

Start Offense	End Offense		
01000	99009		
MARCH 2022	TOTAL 2022	TOTAL 2021	TOTAL 2020
03/01/2022-03/31/2022	01/01/2022-03/31/2022	01/01/2021-12/31/2021	01/01/2020-12/31/2020

Offense	Description	MARCH 2022	TOTAL 2022	TOTAL 2021	TOTAL 2020
11001	SEXUAL PENETR'N PENIS/VAGINA CSC1	0	0	1	0
11002	SEXUAL PENETR'N PENIS/VAGINA CSC3	0	0	0	2
11008	SEXUAL CONTACT FORCIBLE CSC4	0	0	1	1
13001	NONAGGRAVATED ASSAULT	2	6	19	27
13002	AGGRAVATED/FELONIOUS ASSAULT	0	1	4	2
13003	INTIMIDATION/STALKING	0	0	2	3
20000	ARSON	0	0	0	1
22001	BURGLARY - FORCED ENTRY	0	0	1	1
22002	BURGLARY - ENTRY W/OUT FORCE(INTENT	0	0	1	2
22003	BURGLARY - UNLAWFUL ENTRY(NO INTENT	0	0	0	2
23002	LARCENY - PURSE SNATCHING	0	0	2	0
23003	LARCENY - THEFT FROM BUILDING	0	0	2	7
23005	LARCENY - THEFT FROM MOTOR VEHICLE	1	1	9	3
23007	LARCENY - OTHER	0	1	8	11
24001	MOTOR VEHICLE THEFT	0	0	1	0
25000	FORGERY/COUNTERFEITING	1	1	1	0
26001	FRAUD - FALSE PRETENSE/SWINDLE/CONF	0	0	0	1
26002	FRAUD - CREDIT CARD/ATM	0	0	1	1
26003	FRAUD - IMPERSONATION	0	0	1	0
26005	FRAUD - WIRE	0	0	1	0
26006	FRAUD - BAD CHECKS	0	0	1	0
26007	FRAUD - IDENTITY THEFT	1	2	0	0
29000	DAMAGE TO PROPERTY	0	2	15	15
30002	RETAIL FRAUD - THEFT	0	0	0	3
35001	VIOLATION OF CONTROLLED SUBSTANCE	0	0	4	2
36004	SEX OFFENSE - OTHER	0	0	3	0
38001	FAMILY - ABUSE/NEGLECT NONVIOLENT	0	0	2	0
38003	FAMILY - OTHER	0	0	1	0
41002	LIQUOR VIOLATIONS - OTHER	0	0	1	0
42000	DRUNKENNESS	0	0	1	0
48000	OBSTRUCTING POLICE	0	0	5	3
50000	OBSTRUCTING JUSTICE	9	13	29	29
52001	WEAPONS OFFENSE - CONCEALED	0	0	0	1
52003	WEAPONS OFFENSE - OTHER	0	0	2	1
53001	DISORDERLY CONDUCT	0	0	1	4
54001	HIT & RUN MOTOR VEHICLE ACCIDENT	0	0	0	6
54002	OUIL OR OUID	0	4	4	6
54003	DRIVING LAW VIOLATIONS	7	10	10	25
57001	TRESPASS	0	1	21	18
70000	JUVENILE RUNAWAY	0	2	0	4
70001	Incorrigible	1	1	0	1
70004	Juvenile Issues	0	0	3	0
73000	MISCELLANEOUS CRIMINAL OFFENSE	0	0	4	15
90001	Vehicle Lockouts	5	20	88	103
90002	Motorist Assists	0	0	15	13
90003	Assist E.M.S.	10	35	120	105

Offense Count Report

Page: 2

Report Criteria:

Start Offense	End Offense		
01000	99009		
MARCH 2022	TOTAL 2022	TOTAL 2021	TOTAL 2020
03/01/2022-03/31/2022	01/01/2022-03/31/2022	01/01/2021-12/31/2021	01/01/2020-12/31/2020

Offense	Description	MARCH 2022	TOTAL 2022	TOTAL 2021	TOTAL 2020
90005	City Ordinance Violations	0	0	29	41
90007	Parking Complaints	0	0	4	1
90008	ANIMAL COMPLAINTS	0	2	13	5
91001	Delinquent Minors	0	0	15	3
91002	Runaway	0	0	2	0
91003	K-9 Assists	2	6	7	0
91004	Abandoned Vehicle	0	0	2	3
92003	Walk Away (Ment. & Host.)	1	3	5	4
92004	Insanity	0	2	30	34
92005	MIP Civil	0	1	0	0
93001	PROPERTY DAMAGE ACCIDENT/PI	4	11	51	43
93002	Accident, Non-Traffic	2	7	32	18
93004	Parking Violations	1	1	1	1
93006	Traffic Policing	0	4	21	9
93007	Traffic Safety Public Relations	1	7	35	13
93008	Inspections/Investigations -Breathalyzer	0	0	1	4
94001	Valid Alarm Activations	0	0	3	3
94002	False Alarm Activations	5	20	63	51
95001	Accident, Fire	0	1	1	1
95003	Inspection, Fire	1	1	3	0
95004	Hazardous Condition	1	1	6	2
97001	Accident, Traffic	1	1	0	0
97003	Accident, Other Shooting	0	0	0	1
97006	Accident, All Other	0	0	2	2
98002	Inspections/Investigations -Motor Vehicles	0	0	0	1
98003	Inspections/Investigations -Property	0	0	7	8
98004	Inspections/Investigations -Other	1	5	7	5
98006	Civil Matters/Family Disputes	1	7	88	81
98007	Suspicious Situations/Subjects	7	20	178	191
98008	Lost/Found Property	0	1	13	10
98009	Inspections/Investigations -Drug Overdose	0	0	3	2
99001	Suicide	0	0	0	1
99002	Natural Death	1	2	5	6
99004	Natural Disaster	0	0	0	1
99007	PR Activities	2	3	4	22
99008	General Assistance	29	83	283	206
99009	General Non-Criminal	5	5	35	56
Totals:		102	294	1334	1247

NORTH CENTRAL MICHIGAN COMMUNITY FOUNDATION

Minutes of February 2, 2022—Ogemaw County Committee

Meeting was called to order by Philip Stephens, Chairman, at 7:31am.

Members Present: Nicki Mayhew, Louise Hofer, Bob McGrail, Phil Stephens, Julie Elliott, Liz Steinhurst, Chris Juarez, Tom Kish, Nancy Griffin, Brenden Stephenson, Andrea Rose, John Dantzer, Claudia Miller, and Gail Hughey.

Absent: Tracey Wood

Introductions: We welcomed new WB-RC Superintendent Gail Hughey. Committee members introduced themselves and Phil Stephens gave an overview of what our organization does.

Minutes: Motion to approve by Andrea Rose, support by Tom Kish.

Financials: We didn't have numbers from January, but we are down about 5% because of the market. All of Alpena foundation has about \$50M. The JL Howard fund started when he left his estate to the foundation for Hospice of Helping Hands (which no longer exists). Bob McGrail indicated that the hospital has filed paperwork regarding the merger of the hospital to Mid-Michigan Hospice in order to keep these funds in Ogemaw County. We try to work with the foundation to maintain the original intent of the donor. The Larry Bellor fund increased due to the addition of the Bill Bartman memorial donations.

REPORTS:

Y.A.C. They had a busy December with the Christmas Parade, teacher appreciation as well as other activities. They pushed a survey to Michigan high school students regarding their concerns or stressors. All of the different Y.A.C. groups narrowed those down to the top 20 responses and then again down to the top 10. These results can be personalized to the specific school. Grand day review is coming soon. Louise Hofer says the students are very thoughtful with their grant decisions. They are hoping to have more grant requests than money to give.

E.S.P. Scholarship deadline is March 1 and interviews will be held April 26 & 27. We had a long discussion about the process of the interview and selection process. The school is planning to award scholarships during a school day, and the E.S.P. Committee is currently planning to host the scholarship breakfast this year (first since COVID).

3 County Board: They are looking for sponsors for the newsletters. It is \$250 advertising fee and not considered charitable giving. The newsletter will be sent regardless of sponsors.

OLD BUSINESS: Giving Tuesday totaled \$365,387 from 1,666 donors. Alpena is looking to reconfigure a few things to make the process easier i.e. making it so donors can choose multiple charities and only check out once. Ogemaw County was the top earning affiliate region.

NEW BUSINESS:

Reynold Gogarn Scholarship: Started in 1990

- He retired in Lupton. In 1983, a trust was established through Comerica Bank.
- Left his entire estate to be given WBRC students
- Comerica Bank had endowed \$400,000 and the Kellogg Foundation added \$200,000.

COMMUNICATIONS:

Member Comments/Positive Highlights:

- Gail Hughey educated the group regarding the bond renewal. It will be a zero tax rate increase, and it will be used to create funds that won't take money from classrooms. The bond renewal will be part of the May 3 election.

Meeting adjourned at 8:46am. Next meeting April 6, 2022.

SPECIAL MEETING OF THE WEST BRANCH PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, ON TUESDAY, MARCH 22, 2022.

Chairperson Cori Lucynski called the meeting to order at 6:00 p.m.

Present: Bob David, Yvonne DeRoso, Josh Erickson, Kara Fachting, Cori Lucynski, Mike Jackson, and Rusty Showalter

Absent: None

Others officers in attendance: None

* * * * *

All stood for the Pledge of Allegiance.

* * * * *

Chairperson Lucynski opened the public hearing on changes to the zoning code at 6:02 pm.

Beth Peszko addressed the Commission and asked why they were relooking at changes at this time.

Chairperson Lucynski noted they had several questions and concerns at the time the State came out with the Marijuana Act and the City had to opt in or out but they now felt many of their questions and concerns were answered and were more prepared to make decisions.

Member Showalter noted the City originally opted out but always had the intention to relook at it once the State laws became more evident.

Member Fachting noted that many of the what ifs had been answered since the law was passed.

Member Jackson noted a lot of the legal questions and concerns have been answered since the original date when the City was required to opt in or out and they now felt more comfortable that the law could allow for community revitalization, job creation, and economic improvement. He further noted the Planning Commission was only voting on changes to the zoning ordinance and not on the decision to allow or not allow the facilities with that decision falling on City Council.

Chairperson Lucynski furthered the statement by Member Jackson noting the Commission is only approving the areas that each facility would be allowed to operate in if the City did vote it into effect.

The Commission went over the areas each facility would be allowed and the number of each type.

Ms. Peszko noted she was not in favor of it and expressed her concern with the large amounts of marijuana advertisement associated with the businesses. The Commission did note they had some requirements in place to help try and control the advertisement and make them more tasteful.

Member DeRoso noted West Branch Township has two sales centers approved already and they will be bringing beautiful new buildings to the area.

Member Showalter spoke on his tours of sales centers noting how nice and professional they were. He also noted he had the same concern with signage expressed by Ms. Peszko and the City, while not being able to control the content of signs, did have points in the scoring rubrics for signage that does not display or feature marijuana defying logos.

The Commission discussed if there were any changes or addendums that needed to be considered. Member Fachting discussed churches not being included in the distance requirements and the possibility of not allowing business on Sundays.

Ed Peszko expressed his concern that by opening these centers could lead to more drug problems because marijuana is a gateway drug that can lead to stronger drugs.

Carol Adair spoke and noted in her years of working for 911, they had far less issues with marijuana than drinking alcohol.

Member Fachting noted marijuana has some medical value and isn't always used just a recreational drug.

No one else wished to speak on the subject.

* * * * *

MOTION BY DEROSO, SECOND BY ERICKSON, TO CLOSE THE PUBLIC HEARING AT 6:34 PM.

Yes — David, DeRoso, Erickson, Fachting, Lucynski, Jackson, and Showalter

No – None

Absent – None

Motion carried

* * * * *

Chairperson Lucynski called for a five-minute recess. The Commission resumed the meeting at 6:39 pm with all members still in attendance.

* * * * *

MOTION BY DEROSO, SECOND BY DAVID, TO APPROVE THE MINUTES FROM THE MEETINGS HELD JANUARY 11, 2021 AND FEBRUARY 7, 2022 AS PRESENTED.

Yes — David, DeRoso, Erickson, Fachting, Lucynski, Jackson, and Showalter

No – None

Absent – None

Motion carried

* * * * *

MOTION BY JACKSON, SECOND BY DAVID, TO APPROVE THE RECOMMENDATION OF APPROVAL OF ORDINANCE 22-01 OF 2022, CHANGES TO THE ZONING ORDINANCE.

Yes — David, DeRoso, Erickson, Fachting, Lucynski, Jackson, and Showalter

No – None

Absent – None

Motion carried

* * * * *

Chairperson Lucynski noted business in the area seems to be picking up.

Member David spoke on the Optimist Camel Race, noting it was a big success. Member David also noted the new Kits store downtown is fantastic.

Member Showalter and Chairperson Lucynski noted the Chamber Ball was also a big success.

Member DeRoso updated the Commission on her tour of the new Meijer's and noted real estate is still busy but the stock of houses for sales is low.

Member Fachting stressed the housing problem in our community and noted many of the people moving to jobs in this area are required to live outside of the County. Member DeRoso noted the City is continuing to work on their housing property in an effort to increase housing stock.

Member Fachting also noted an upcoming event downtown with a band asking that anyone who attends to bring canned goods for donation for the needy.

Member Jackson gave an update on the Meijer's construction.

Member Erickson noted the original survey that was sent out by the City was about 50/50 and he believed by not allowing businesses in the mixed use or downtown districts was a good compromise for both sides.

Member Showalter notified the Commission he was nominated to serve on a focal group through the MML to bring items of needs to the legislature on things communities are lacking.

* * * * *

Jocelyn Garza of the Ogemaw Herald asked about the process of the ordinance amendment. The Commission noted they were just in charge of putting the zoning requirements in place so it was ready if the City Council did decide to opt in. Member DeRoso went over the education processes involved in the decisions.

Chairperson Lucynski noted the concern that if the City did not put requirements in place and the State ever changed and said marijuana facilities have to be allowed, then they could lose some of their control.

Member Showalter updated the legislature of House Bill 531 which was on the floor and had potential changes to the Marijuana Act.

* * * * *

Meeting was adjourned at 7:05 pm

**CITY OF WEST BRANCH
CITY COUNCIL MEETING
APRIL 18, 2022**

PLEASE TAKE NOTICE that the West Branch City Council meeting scheduled for Monday, April 18, 2022 at 6:00 pm will be conducted both in person and virtually (online and/or by phone), due to health concerns surrounding Coronavirus/COVID-19 pandemic.

Public comment will be handled by the "Raise Hand" method as instructed below within Participant Controls.

To comply with the Americans with Disabilities Act (ADA), any citizen requesting accommodation to attend this meeting, and/or to obtain this notice in alternate formats, please contact the City Clerk by phone at (989) 345-0500 from 8:00 am-4:30 pm Monday- Friday or by email at clerk@westbranch.com, at least five business days prior to the meeting.

Zoom Instructions for Participants

To join the conference by phone:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touch-tone (DTMF) keypad.

Before a videoconference:

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provided below. The details include a link to "**Join via computer**" as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

To join the videoconference:

2. At the start time of your meeting, enter the link to **join via computer**. You may be instructed to download the Zoom application.
3. You have an opportunity to test your audio at this point by clicking on "Test Computer Audio." Once you are satisfied that your audio works, click on "Join audio by computer."

You may also join a meeting without the link by going to join.zoom.us on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touch-tone (DTMF) keypad.

3. If you have already joined the meeting via computer, you will have the option to enter your 2-digit participant ID to be associated with your computer.

Participant controls in the lower left corner of the Zoom screen:



Using the icons in the lower left corner of the Zoom screen, you can:

- Mute/Unmute your microphone (far left)
- Turn on/off camera ("Start/Stop Video")
- Invite other participants
- View Participant list – opens a pop-out screen that includes a "Raise Hand" icon that you may use to raise a virtual hand during Call to the Public
- Change your screen name that is seen in the participant list and video window
- Share your screen

Somewhere (usually upper right corner on your computer screen) on your Zoom screen you will also see a choice to toggle between "speaker" and "gallery" view. "Speaker view" shows the active speaker. "Gallery view" tiles all of the meeting participants.

Meeting Information:

West Branch City Council is inviting you to a scheduled Zoom meeting.

Topic: West Branch City Council Meeting

Time: Apr 18, 2022 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/83951814117?pwd=U0N4Z2JPd3VTaDlub2VaRHRXOGdGZz09>

Meeting ID: 839 5181 4117

Passcode: 890543

One tap mobile

+13017158592,,83951814117#,,,,*890543# US (Washington DC)

+13126266799,,83951814117#,,,,*890543# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 253 715 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

Meeting ID: 839 5181 4117

Passcode: 890543

Find your local number: <https://us02web.zoom.us/j/83951814117>