

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, MAY 16, 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
- V. Public hearing
- VI. Additions to the agenda
- VII. Public comment on agenda items only (limited to 3 minutes)
- VIII. Bids
- IX. Unfinished Business
- X. New Business
 - A. Bills
 - B. Resolution 22-13 – Health Insurance Opt Out
 - C. Resolution 22-14 – Budget
 - D. Resolution 22-15 – Tax Liens
 - E. Special Event Permit – Coalition of H.O.P.E. Rockn’ for Hope Music Fest
 - F. Special Event Permit – Homecoming Parade
 - G. Consumers Energy License Agreement
 - H. City of West Branch Application for Exemption of Real and/or Personal Property
 - I. MDOT Letter of Support
 - J. EDC Contribution
- XI. Approval of the minutes and summary from the meeting held May 2, 2022 and the work session held May 5, 2022.
- XII. Consent Agenda
 - A. Treasurer’s Report and Investment Summary
 - B. West Branch Police Department April 2022 month end report
 - C. Minutes from the Planning Commission held April 12, 2022.

- XIII. Communications
 - A. Recycling Communications

- XIV. Reports
 - A. Mayor
 - B. Council
 - C. Manager
 - 1. ORV Changes

- XV. Public comment any topic

- XVI. Adjournment

UPCOMING MEETINGS-EVENTS

May 18 Airport Board 12:15 PM

May 24 DDA 12:00 PM

June 6 City Council 6:00 PM

June 14 Planning Commission 6:00 PM

June 15 Airport Board 12:15 PM

June 20 City Council 6:00 PM

June 21 WWTPA 3:30 PM

June 28 DDA 12:00 PM

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

BILLS	\$323,325.75
<i>BILLS AS OF 5/13/22</i>	<i>\$323,325.75</i>
<i>Additions to Bills as of</i>	<i>\$0</i>
<i>Paid but not approved</i>	<i>\$627.99</i>
TOTAL BILLS	\$323,953.74

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

Vendor Name	Amount	Description
APEX SOFTWARE	265.00	ASSESSOR SOFTWARE MAINTENANCE
ARNOLD SALES	305.20	DPW SUPPLIES
BADGER METER	820.58	CELLULAR SERVICE APRIL
BUCK, SHIRLEY	52.53	REFUND TAX PAYMENT
CHARTER COMMUNICATIONS	759.85	PHONE & INTERNET
CINTAS	386.33	UNIFORMS
CITY OF WEST BRANCH	238.77	WATER BILLS
COMPRENEW	1,973.64	ELECTRONIC RECYCLING
CONSUMERS ENERGY	11,378.13	ELECTRIC
CONSUMERS ENERGY	23.48	ELECTRIC
DEWOLF AND ASSOCIATES	795.00	K BACHELDER TRAINING
DOWD, TERRY	338.58	UB refund for account: 000864
ELECTION SOURCE	440.00	ELECTION TESTING
ELHORN ENGINEERING COMPANY	716.00	WATER SUPPLIES
FOSTER BLUE WATER OIL LLC	2,466.62	FUEL
GREAT LAKES TECH CONSULT LLC	1,578.73	ELECTION LAPTOP AND OTHER REPAIRS
LUCYNSKI SERVICES LLC	900.00	RECYCLING STORAGE UNIT 6 MONTHS
MERCANTILE BANK	26,050.21	FAIRVIEW WATER MAIN LOAN
MVW & ASSOCIATES INC	1,000.00	ASSESSOR CONTRACT MAY
OGEMAW COUNTY EMERGENCY DISPATCH AU	50.00	2 WARRANT ENTRIES
OGEMAW COUNTY HERALD ADLINER	274.88	ADS
OGEMAW COUNTY ROAD COMMISSION	762.28	COLD PATCH
PITNEY BOWES INC RENTAL ACCT	34.99	MONTHLY FEE
REPUBLIC SERVICES 237	15,240.39	GARBAGE SERVICE APRIL
RJ SCREENPRINTING	116.00	SHIRTS - CLERK
SELLEY'S CLEANERS	49.00	POLICE DRY CLEANING
SLC METERS LLC	2,337.92	METER PARTS
WEST SIDE MACHINE	386.98	PARK REPAIRS
WWTPA	253,584.66	PRINCIPAL & INTEREST ON LOAN
TOTAL	323,325.75	

RESOLUTION #22-13

WHEREAS, 2011 Public Act 152 (the “Act”) was passed by the State Legislature and signed by the Governor on September 24, 2011;

WHEREAS, the Act contains three options for complying with the requirements of the Act;

WHEREAS, the three options are as follows:

- 1) Section 3 – “Hard Caps” Option – limits a public employer’s total annual health care costs for employees based on coverage levels, as defined in the Act;**
- 2) Section 4 – “80%/20% Option – limits a public employer’s share of total annual health care costs to not more than 80%. This option required an annual majority vote of the governing body;**
- 3) Section 8 – “Exemption” Option – a local unit of government, as defined in the Act, may exempt itself from the requirement of the Act by an annual 2/3 vote of the governing body;**

WHEREAS, the West Branch City Council has decided to adopt the annual “Exemption” option as its choice of compliance under the Act;

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of West Branch elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by adopting the annual “Exemption” option for the medical benefit plan coverage year July 1, 2022 through June 30, 2023

RESOLUTION #22-14

WHEREAS, the City Charter of the City of West Branch states that “the Council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution, appropriate the money required for such budget and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes.”

NOW, THEREFORE, BE IT RESOLVED that the budget for the City fiscal year beginning July 1, 2022 as recommended by the City Manager and as adopted by the City Council, as described in the summary as follows:

	REVENUES	EXPENDITURES
GENERAL FUND	1,812,812	1,812,114

be and the same is hereby adopted, and the amount therein provided as recommended; appropriations are hereby appropriated according to the departmental total, and

BE IT FURTHER RESOLVED, that in order to carry out the provisions of the above described budget, the current tax rate shall be applied to the completed assessment roll taxable valuation of ninety-four million nine hundred four thousand five hundred fifty-four dollars (\$94,904,554) as required by Michigan Constitution.

TOTAL CITY TAX LEVY FOR GENERAL FUND PURPOSES

July 1, 2022 14.546 per \$1,000.00 of Taxable Value for General Operating, and tax levy of 2.9105 per \$1,000.00 for Refuse Collection

CITY TAX LEVY FOR THE DDA DISTRICT ONLY

July 1, 2022 1.9573 per \$1,000.00 of Taxable Value levied on the property in the DDA District and,

BE IT FURTHER RESOLVED, to adopt the following budgets:

INDEPENDENT REVENUE FUNDS

<u>Fund Name</u>	<u>Revenues</u>	<u>Expenditures</u>
Cemetery Perpetual Care Fund	1,200	0
Major Street	279,600	230,935
Local Street	140,300	64,080
Cemetery	29,222	29,222
Brownfield Redevelopment Authority	0	0
DDA Operating Fund	113,500	113,500
Industrial Park Fund	300	6,888
Housing Resource Fund	6,700	0
Sewer Debt Fund	353,000	341,000
Water Debt Fund	80,000	68,000
Sewer Fund	607,000	606,342
Water Fund	531,405	444,272
Water Replacement Fund	200,000	26,350
Sewer Collection	90,700	64,195
Equipment Fund	238,650	226,625

and,

IT FURTHER RESOLVED that the City Manager is allowed to exceed any line item or department summation within any specific department or fund including both revenues and expenditures providing that the total end of the year expenditures for any fund does not exceed the original appropriation. A council resolution is required to appropriate additional amounts to any expenditure fund total; however, no resolution is required to exceed any revenue fund total.

8.5 ADOPTION OF BUDGET.

Not later than the **25th day of May** in each year, the Council shall by resolution adopt a budget for the next fiscal year, shall appropriate the money needed for municipal purposes during the next fiscal year of the City, and shall provide for a levy of the amount necessary to be raised for City, County, School, and State taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.1; provided, however, that if the Council fails to adopt a budget by resolution as in this section provided, that budget submitted by the City Manager pursuant to Section 8.2. of this chapter shall become the budget for the next fiscal year as of the 1st day of June, notwithstanding failure or refusal of the Council to provide for a hearing as required in Section 8.4 of this chapter.

RESOLUTION #22-15

WHEREAS, the West Branch City Council in §51.095 and §52.39 of the City of West Branch Code of Ordinances have determined that water/sewer charges constitute a lien on the property, and

WHEREAS, §92.17 of the Code of Ordinances states that the charges for mowing noxious weeds shall be a lien against the premises,

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council hereby acknowledges the following liens and authorizes the Clerk to place these charges on the 2022 tax roll:

Water/Sewer Charges

346 S. Eighth St.	\$2,092.27	147 Carpenter St	\$882.35
331 S. Third St	\$212.30	175 Alto Ct	\$34.04
326 S. Livingston	\$222.21	239 S. First St	\$14.75
415 N. Second St	\$2,792.02	309 W. Ripley St.	\$469.74
607 Lindsay St	\$53.33	409 N. First St	\$116.87
134 S. Second St	\$1,972.45	317 N. Sixth St	\$225.91
615 Lindsay St	\$58.45	315 State St	\$276.11
400 State St	\$11.55	607 W. Wright St	\$1,349.85
218 Court St	\$7.30	224 Court St	\$96.35
340 Court St	\$44.08	113 N. First St	\$32.46
409 N. Fourth St	\$96.35	195 Fremont St	\$50.39
376 N. Second St	\$186.56	325 S. Seventh St	\$35.92
222 S. Sixth St	\$60.70	309 S. Sixth St	\$10.21
343 S. Third St	\$105.22	164 N. Valley St	\$70.16
106 S. Valley St	\$122.72	350 N. Fourth St	\$762.84
339 E. Irons Park Dr	\$23.39	431 West River Park	\$51.99
633 Court St	\$302.80	226 N. Valley St	\$121.41
372 State St	\$25.32	384 N. Second St	\$52.28
347 N. Third St	\$31.09		

Mowing

133 S. Sixth	\$185	340 Court St	\$180
607 W. Wright	\$180	419 N. First St	\$185
323 N. Third	\$185		



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: **Rockn' for Hope Music Fest**

Event Date: **September 10th 2022** Start Time: **1:00PM** End Time: **5:00PM**

Name of Sponsoring Organization: **Coalition of H.O.P.E.**

Address: **1795 Simmons Rd. West Branch, MI. 48661**

Contact Person: **Angela Torrez** Phone Number: **(989) 717-7293**

Describe the purpose of this event: **Sept. is Suicide Prevention Awareness Month.**

To decrease stigma of suicide, increasing awarress to prevention, intervention, postvention and access to resources.

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

Irons Park

If requesting a road closure Road closure Start time: _____ End time: _____

Road closure location _____

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 ☐


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.

Angela Lorenz
Applicant Signature

5-2-22
Date

For Office Use Only

Permit Approved – Yes / No

Council meeting date _____

Manager / Clerk Signature



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: Homecoming Parade
Event Date: September 30, 22 Start Time: 4:15 End Time: 5:15
Name of Sponsoring Organization: Ogemaw Heights Athletics
Address: 960 S-M33, West Branch MI 48661
Contact Person: Adam Miller Phone Number: 989-343-2026
Describe the purpose of this event: Parade for our homecoming Court & Sports / Clubs.

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

Line up on Valley Street and go west on Houghton Ave to the Saw-A-Lot parking lot.

If requesting a road closure Road closure Start time: 4:15 End time: 5:00 ish

Road closure location Valley St. to Saw-A-Lot

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 ☒
[Signature]
Chief of Police w/ Chief Walters

Ogemaw County Posse - services NOT needed ☒ arrangements have been made ☐
[Signature]
Chief of Police

West Branch City DPW - services NOT needed ☒ arrangement have been made ☐
[Signature]
DPW Superintendent



City of West Branch

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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, judgements, 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, judgements, 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.

Adam Meelin
Applicant Signature

5/10/22
Date

For Office Use Only:

Permit Approved – Yes / No

Council meeting date _____

Manager / Clerk Signature



May 4, 2022

City of West Branch
Attn: John Dantzer, City Manager
121 N. Fourth St.
West Branch, MI 48661

LICENSE AGREEMENT – MI00000062720OGE-E

Attached is a proposed License covering your use of Consumers Energy property.

Please review and if you find this License satisfactory, sign and return via this DocuSign program within 15 days of the date of this correspondence. This license will not be considered active without signatures on behalf of Consumers Energy. One fully executed copy will be returned to you for your records.

An invoice for your first year's rent in the amount of \$100.00 will be sent to you within 45 days.

Note: Field checks are done on a regular basis.

If you have any questions please don't hesitate to contact us toll-free at 1.866.679.4054 or by email at landcontracts@cmsenergy.com.

Land Management
Corporate Real Estate
Consumers Energy

Consumers Energy
1945 W Parnall Rd
Jackson MI 49201-8643

Contact the Land Management Team toll-free at 1-866-679-4054 or
by email at www.landcontracts.com



MI000000627200GE-E

License

Date: May 3, 2022

Licensors: Consumers Energy Company, a Michigan corporation, One Energy Plaza, Jackson, MI 49201 ("Consumers").

Licensee: City of West Branch, John Dantzer, City Manager, 121 N. Fourth St. West Branch, MI 48661
989-701-5000 / citymanager@westbranch.com

Premises: Property owned by Consumers Energy, located in Section 19, T22N, R4E, West Branch Township, Ogemaw County as shown and described in Exhibit A.
Master Tract ID: PL0000091604759 Legacy Tract ID: 1-G171-1*

Contact: Toll-free number: 1-866-679-4054, email: landcontracts@cmsenergy.com

License Fee: \$100.00 annual payment.

[Note: Consumers Energy may send Licensee an invoice for the License Fee. However, Licensee is obligated to pay the specified License Fee not withstanding Consumer Energy's failure to send an invoice or any inaccuracy in the amount stated in the invoice and is obligated to pay the License Fee at the time specified notwithstanding any contrary indication in any such invoice.]

[Office use only: BP1002425545 CA IVD 0503]

Consumers hereby permits Licensee to use the Premises for: ATV parking/trailhead and Trespass Control; on the following terms and conditions. Licensee shall install signage to restrict parking only north of the driveway and shall not cause the driveway to be obstructed at any time.

1. Licensee may not alter the Premises or existing improvements or make additional improvements on the Premises without Consumers' prior written approval. Approval of any proposed modification shall be within Licensors' sole discretion. Growing of trees or shrubs is not permitted. No forest products may be removed from the Premises without prior written approval. Consumers may trim or remove any trees or shrubs located on the Premises at any time and may leave wood product on the Premises.
2. Vehicular activity and storage of equipment or materials shall not be permitted unless in conjunction with the approved use described within this agreement. If approved, vehicular activity and storage of equipment and materials shall not be within 15 feet of any Consumers poles and guy wires or directly under electric lines is prohibited. Vehicular activity and storage of equipment or materials within 30 feet or directly over any Consumers pipeline is prohibited. A minimum of 5 feet of cover or appropriate bridging is required to cross any Consumers pipeline. Paralleling traffic shall maintain a minimum distance of 15 feet of any Consumers pipeline. Operation of motor vehicles for recreational purposes is not permitted under any circumstances

3. It is expressly understood and agreed that this license is not given to meet any code or zoning regulations associated with operation of Licensee's business. Licensee shall comply with all local, county, state and federal ordinances, regulations, laws, and statutes. Licensee is solely responsible for obtaining any required governmental permits or authorizations for its approved activities at the Premises. In seeking such permits, Licensee shall identify itself as the applicant and responsible party and identify Consumers only as the owner of the Premises.
4. Licensee shall reimburse Consumers for any increase in real property taxes levied against the Premises as a result of Licensee's use of the Premises.
5. As part of Trespass Control, Consumers hereby permits Licensee to seek the assistance of law enforcement officials, on Consumers' behalf, to remove trespassers from the Premises. Consumers does not authorize Licensee to threaten or commit any physical act against any trespasser. Licensee may post the Premises with "No Trespass" signs.
6. Excavation, grade change, buildings, structures, or other improvements, including but not limited to fence, drain tiles, water courses, etc., shall not be permitted unless in conjunction with the approved use described within this agreement. Consumers may remove prohibited structures from Premises without prior notice and without responsibility for any damage that occurs as a result of such removal.
7. Upon expiration or termination of this License, Licensee shall restore the Premises to a condition as good as the effective date of this License. In the event that Licensee fails to restore the Premises, Licensor may, at the Licensee's sole cost, cause the Premises to be restored to such a condition. The determination of whether restoration has been properly completed shall be in Licensor's sole discretion, which shall be exercised in good faith, and shall be considered final.
8. Licensee's use of the Premises shall at all times be subordinate to Consumers' use. Licensee shall not restrict complete access of the Premises to Consumers, its contractors or agents, Consumers may at any time suspend this License and temporarily evict Licensee or limit Licensee's use of the Premises without liability to Licensee Consumers shall have the right at all times to use and possess the Premises for any purpose, for example, to inspect and maintain its existing facilities, to clear trees and brush from the Premises, including by chemical spraying, and to construct new facilities or allow third parties to construct new facilities on the Premises. Licensee assumes the risk of damage to Licensee's personal property or improvements on the Premises resulting from Consumers' use of the Premises and waives all claims against Consumers for any such damage.
9. Licensee accepts the licensed premises in their present condition and waives all claims Licensee may have against Consumers related to Licensee's use of the Premises. Licensee also agrees to assume all liability for and to indemnify Consumers from and against all claims for any type of injury to or death of any person or persons and loss or damage to the property of any person or persons whomsoever, including the parties hereto and their agents, contractors, subcontractors, employees, and invitees, related directly or indirectly to Licensee's use of the Premises.
10. Licensee shall maintain in force at all times while this License is in effect a policy of Commercial General Liability Insurance with a minimum limit of \$1 million each occurrence. Said policy shall: (a) be written on an "occurrence" form basis; (b) include Consumers Energy Company, its directors, officers and employees as an additional insured; (c) include contractual liability; and (d) be primary and noncontributory to any insurance or self-insurance maintained by the additional insureds. Prior to use of the Premises and on or before each insurance policy renewal date Licensee shall submit a Certificate of Liability insurance to Consumers Energy Company, Corporate Insurance Department via InsuranceCertificates@cmsenergy.com. The Certificate of Liability Insurance must designate that the policy includes the required additional insureds. Licensee shall provide immediate notice to Consumers if it receives any notice of cancellation or nonrenewal from its insurer.

11. Licensee shall not use, store, or dispose of any chemicals or substances which are, or may become, hazardous to human health or the environment on the Premises. For purposes of this document "hazardous" means those chemicals used in a manner which trigger regulation under Federal, State or Local environmental laws and regulations. If Licensee violates this prohibition, Licensee shall be obligated to indemnify Consumers from and against any and all claims, including fines and other penalties, resulting from such violation. Licensee shall also be obligated to reimburse Consumers for costs of cleanup necessary as a result of any release to the environment. The provisions of this paragraph will survive the termination of this License.
12. This License will continue until terminated (except as stated in paragraph 11 above). Either Consumers or Licensee may terminate this License at any time by giving the other notice via personal delivery, facsimile, electronic transmission, or written notice of termination. Termination will be effective upon delivery of notification. Upon termination of this License, Licensee shall remove Licensee's personal property and any improvements from the Premises within thirty (30) days and cease using the Premises. Licensee may be held responsible for the costs and fees associated with the removal and disposal of personal property, improvements, and the restoration of the Premises.
13. Licensee may not assign this License, and it will not transfer to any other person or entity.
14. Licensee shall not be entitled to be reimbursed or prorated for annual License Fee or for the cost of Licensee's activities pursuant to this License or to be compensated for the value, if any, of Licensee's activities on the Premises, despite any benefit to Consumers.
15. This License is given subject to any existing leases, licenses, easements and other interests in the premises, whether or not of record. Licensee is responsible to give required notices, to secure necessary consents and permits from existing lessees, licensees, easement owners, and owners of other interests, and to comply with requirements of such existing leases, licenses, easements, and other instruments.
16. Prior to commencing any Consumers-approved excavation or digging on the Premises, including but not limited to installation of signposts or fence posts, Licensee shall contact the Utility Communications System (Miss Dig), phone number (800) 482-7171, in accordance with Michigan Compiled Law 460.701 et seq., as amended by Public Act 174 of 2013 and any future amendments.
17. Licensee agrees to protect any infrastructure now or in the future located on, below, above or upon said Premises. Suitable means of protection may include the erection and maintenance of barricades or other protection as required by the Licenser. Licensee agrees that the erection and maintenance thereof shall be at Licensee's sole cost and expense.
18. During the duration of this License, it is the sole responsibility of the Licensee to maintain at all times current contact information, including but not limited to; phone number, email, and mailing address. If at any time any contact information is invalid including but not limited to; disconnected, unresponsive, or failed email, Licensee, through this License, consents to Consumers Land Management obtaining and utilizing any and all contact information within the Licensees' utility account, including but not limited to phone number(s), email(s), and mailing address(es). Licensee acknowledges and agrees that the foregoing consent is valid through the duration of this License and shall only be terminated by the termination of this License by Licensee.
19. This License may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this License, including this License, may be imaged and

stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

20. Until this License is terminated, Licensee shall, at Licensee's sole cost, maintain the licensed improvements and the Premises so as to keep both in a good and safe condition. If, in the Consumers' sole discretion, the licensed improvements and/or the Premises are in an unsafe condition or a condition of disrepair then Consumers may correct the condition and/or terminate this License, and Licensee shall reimburse Consumers the full cost incurred upon receiving notice of the amount to be paid. In the event that the licensed improvements and/or the condition Premises results in a violation of said laws, rules, regulations, codes, and/or ordinances due to any action or omission of Licensee, Licensee shall immediately correct the violation at Licensee's sole cost. If Licensee fails to correct the violation within the time period given in the notice of violation, but in no event longer than 30 days from the date of said violation, then Consumers may correct the violation and/or terminate this License. Upon receiving notice of the amount paid by Consumers to correct the violation Licensee shall reimburse Consumers for the full cost incurred by Consumers in correcting the violation (regardless of whether this License is terminated). Nothing in this paragraph (or any other paragraph in this License) shall in any way limit or be interpreted to limit Consumers right to terminate this License at any time for any reason.
21. Upon termination or within such other time period as Consumers indicates in a notice of termination, if any is so given, all improvements A) made by Licensee on or to the Premises, B) existing but under the care of and used by Licensee, and/or C) licensed to Licensee under this License, together with all personal property i) owned by Licensee and located on the Premises, ii) brought upon the Premises by Licensee, and/or iii) related to the licensed use and located on the Premises, shall be removed by Licensee at Licensee's sole cost . Any improvements or personal property remaining following termination, or the date set within a notice of termination, shall either, at Consumers' election, be considered abandoned and become the property of Consumers and/or be removed and disposed of by Consumers with the cost of said removal and disposal being at Licensee's sole cost and expense. Should Consumers elect for said abandoned improvements or personal property to become the property of Consumers, then, upon Consumers' request, Licensee shall issue an unconditional bill of sale transferring said improvements or personal property to Consumers.

CONSUMERS ENERGY COMPANY

By: _____

Its: _____ **Land Manager**

LICENSEE:

Exhibit A



A parcel of land owned by Consumers Energy, located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 19, T22N, R2E, City of West Branch, Ogemaw County, Michigan, as shown above.

Master Tract ID: PL0000091604759

Legacy Tract ID: 1-G171-1*

CITY OF WEST BRANCH, OGEMAW COUNTY
APPLICATION FOR EXEMPTION OF REAL AND/OR PERSONAL PROPERTY

.....
INSTRUCTIONS TO THE APPLICANT:

1. To be eligible for exemption, the property must have been owned and occupied by the applicant on December 31 of the year preceding the assessment for which exemption is sought.
 2. Application for exemption must be filed no later than the second Monday in March. All of this application must be completed.
 3. Please notify the Assessor's Office immediately of the sale or lease of this or any other property belonging to your organization which is now exempt.
 4. If you need additional space to respond to any of these questions, please attach your response indicating which question(s) it pertains to.
-

The undersigned organization requests exemption of the following real and/or personal property located in the CITY OF WEST BRANCH, beginning with the assessment year _____.

Address _____

Permanent Parcel Number _____

1. Name of organization claiming exemption of real and/or personal property.

2. Name of organization or individual owning the real and/or personal property.

3. Please indicate under what state statute you are claiming to be exempt from taxation.

_____ Elderly or Handicapped Housing owned by certain nonprofit organizations (Tax to be paid by State of Michigan 211.7d).

_____ Property owned by certain nonprofit cultural or educational organizations (211.7n).

_____ Property of nonprofit charitable institutions (211.7o).

- _____ Homes for the aged or chronically ill owned by religious, fraternal, secret societies, or nonprofit corporations (211.7o).
- _____ Memorial homes or posts owned by any veteran's association (211.7p).
- _____ Property owned by youth organizations (211.7g).
- _____ Clinic, hospital, or public health property (211.7r).
- _____ Houses of public worship or parsonages (211.7s).
- _____ Other (please specify) _____

4. Please describe all uses made of the property last year. Use additional sheets if necessary.

5. Please state when the property was first used.

6. When first occupied, what was the nature of the use?

7. Did that use change significantly at any time?
 _____ Yes _____ No

8. Please list any other property you now own or occupy which will no longer be used for a
9.
 - a. If yes, please provide name, address, and phone number of the individual or organization.

 - b. What use did they make of the property?

c. Was a fee charged? _____ Yes _____ No
If yes, please describe.

10. What is the date that the organization claiming the exemption acquired the property?

11. What was the price? _____

12. Please furnish the name, address, and phone number of a representative of the organization mentioned in Answer #1 who can be contacted for further information.

Name _____

Relationship for Organization _____

Address _____

Phone Number _____

13. Please list the names, addresses, and phone numbers of all current officers and members of the Board of Directors.

14. Please state the dates of the two prior board meetings and who attended.

15. How many officers, directors, and employees does the organization employ that receive salaries?

16. Please indicate all sources of funding for your organization and the percentage each source contributes to the total.

- a. Does your organization solicit any funds from the general public over the phone?

_____ Yes _____ No

17. If you are seeking an exemption as a charitable, benevolent, educational, public health, or youth organization ...

- a. Please describe the exact type of services that you provide.

- b. Please describe the population or group that you serve.

- c. Please describe how the recipients of your services are selected.

- d. Do you discriminate on the basis of color, race, sex, religion, creed, age, national origin, or marital status in providing your services?

_____ Yes _____ No

If yes, please explain.

- e. Do you charge a fee for your services?

_____ Yes _____ No

If yes, please explain how the fees are determined.

- f. Please attach a copy of your policy as to who is eligible to receive your services and on what terms.

IMPORTANT – Please sign this application on the line provided and return it to our office with the following documents of the organization:

1. Copy of Articles of Incorporation
2. Copy of By-Laws
3. Copy of instrument by which property was acquired (Warranty Deed, Quit Claim Deed, Land Contract, or Bill of Sale)

4. Copy of any pamphlet, other information, or literature describing the functions of the organization
5. Copy of previous 3 years of Income Tax filings including 990 forms

I hereby swear that the above information is true and complete.

Applicant's Name

Applicant's Signature

Title

.....
FOR OFFICE USE ONLY

_____ MEETS LEGAL REQUIREMENTS

EXEMPTION QUALIFIES UNDER SECTION _____

REASON: _____

_____ DOES NOT MEET LEGAL REQUIREMENTS

REASON: _____

BY

DATE



121 North Fourth Street, West Branch, Michigan 48661
Phone 989-345-0500, Fax 989-345-4390, e-mail citymanager@westbranch.com
The City of West Branch is an equal opportunity provider, employer, and lender

May 11, 2022

The Honorable Pete Buttigieg
Office of the Secretary
United States Department of Transportation
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

Dear Secretary Buttigieg:

Please accept this letter of support that was approved by our City Council at our regular meeting held May 16, 2022 for the Michigan Department of Transportation's (MDOT's) application for Rural Surface Transportation (RURAL) Grant Program funding for the M-55 Downtown Reconstruction in West Branch, MI. Under this application, MDOT is seeking to obtain funds to revitalize the M-55 corridor through downtown in the City of West Branch. MDOT will be incorporating improvements for safety and walkability as well as partnering with the City of West Branch who will be doing watermain work and streetscaping as part of this project.

This project is important to the City of West Branch as M-55, Houghton Ave, is our main street and core of our downtown business district. With the reconstruction of M-55 and additional watermain, lighting, streetscaping, signal, road diet, trail, and sidewalk upgrades that are part of this project, we will see a revitalized corridor that will improve the quality of life of area residents and continue the welcoming environment for visitors.

We look forward to implementing this great project in partnership with MDOT. Thank you for your consideration of the RURAL- M-55 Downtown Reconstruction in West Branch, MI application. If you have any questions, please contact my office at (989)345-0500 or by email at citymanager@westbranch.com.

Sincerely,

John Dantzer, City Manager

2389 M-76
West Branch, MI 48661



989-345-1090
www.ogemawedc.com

May 5, 2022

Dear John Dantzer and the City of West Branch,

The purpose and mission of the Ogemaw County Economic Development Corporation (EDC), is to support, promote, enhance and sustain economic development throughout the County. This means we want to work with you to help your area grow and prosper.

Help us benefit you! The EDC can only support the County if it has the financial support from the County, townships and donors. Will you partner with the EDC to further develop the economy? Attached is an invoice for consideration of EDC support in 2022.

Please reach out to the EDC with any ideas or questions. Thank you for your support!

Yours in Business,

A handwritten signature in black ink that reads "Durst".

Phil Durst
President



2022 Contribution Invoice

Thanks for your contribution to the Ogemaw County EDC. Your gift supports EDC's ongoing programs and allows us to continue to offer them at little or no charge. We are an exempt organization as described in Section 501(c)(3) of the Internal Revenue Code.

_____ \$500 _____ \$1000 _____ 2500 _____ \$5000 _____ \$7500

****2017 contribution was \$2,000.00****

Please make checks payable to "Ogemaw County EDC"

2389 M-76
West Branch, MI 48661
(989) 345-1090

Name _____
Address _____
Phone # | Email _____



2021 at a Glance

Dispersed over \$653,000 in COVID Relief Grants to area businesses



Hosted 2 on-line Business Development workshops for business owners

Presented the Economic Outlook Panel Discussion on employee engagement



Participated in the Business Expo businesses



to promote Ogemaw County



Brought together officials from townships/cities/county for the first ARPA funding discussions (*focus on broadband, childcare and business development*)

Secured funding of \$95,000 from USDA Rural Development to start the Revolving Loan Fund



Reestablished the partnership and contract with



Ogemaw County

Launched the new EDC website, <https://www.ogemawedc.com/>, to serve you better



Worked with numerous investors interested in establishing businesses in Ogemaw County

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, MAY 2, 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, Chief Kenneth Walters, and Commissioner Mark Surbrook

All stood for the Pledge of Allegiance.

* * * * *

Commissioner Surbrook reported that Lori Boyce was appointed to the Veterans Affair Committee. A volunteer intern was appointed to the equalization Office and if that goes well the option will be explored for other offices.

* * * * *

Public hearing was opened for the 2022/2023 fiscal year city budget. No one from the audience wished to speak on the subject. A work session will be held for the budget on Wednesday May 4, 2022 at 6:00 pm.

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

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

No – None

Absent – None

Motion carried

* * * * *

Public hearing was opened for the USDA Grant for a DPW Service Vehicle, a plow truck with a salt spreader. The grant will reimburse for at least 50% of the cost and possibly 75%. No one from the audience wished to speak on the subject

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

* * * * *

Mayor Frechette made an addition to the agenda under X. New Business to include D. MDOT Resolution 22-12.

* * * * *

MOTION BY BENNETT, SECOND BY SHOWALTER, TO APPROVE THE PAYMENT OF BILLS IN THE AMOUNT OF \$43,221.37.

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 PERMIT FOR THE MEMORIAL DAY PARADE AND SERVICE.

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

No – None

Absent – None

Motion carried

* * * * *

MOTION BY BENNETT, SECOND BY SHOWALTER, TO APPROVE THE FINANCIAL CONTRIBUTION REQUEST FROM LT. JORDAN AT STING.

Further discussion took place to increase the contribution given to STING each year. This year's contribution is already in the budget. When discussing next year's budget, the council will review the possibility of increasing the contribution.

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

No – None

Absent – None

Motion carried

* * * * *

MOTION BY SHOWALTER, SECOND BY PUGH, TO APPROVE RESOLUTION 22-12.

WHEREAS, the City of West Branch and the Michigan Department of Transportation have partnered for a project on Wright St, S. Second St., and S. Third St., and

WHEREAS, this work is for improvements to these streets as they will be used as detours during MDOT's reconstruction of Houghton Ave, and

NOW, THEREFORE IT BE RESOLVED, the city of West Branch approves of the street improvement proposed and to be constructed by MDOT on Wright Street from M-30 east to 2nd Street and on 2nd and 3rd Streets from Wright Street north to M-55 (Houghton Ave). These improvements include cold milling and hot mix asphalt resurfacing of the project area along with American with

Disabilities Act (ADA) sidewalk ramp improvements. These streets are approved to be used for a traffic detour during MDOTS's reconstruction of M-55 (JN201118).

There will be no additional cost to the city for these improvements.

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

No – None Absent – None Motion carried

* * * * *

MOTION BY BENNETT, SECOND BY JACKSON, TO APPROVE THE MINUTES AND SUMMARY FROM THE MEETING HELD APRIL 18, 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 OGEMAW FIRE DEPARTMENT MEETING HELD JANUARY 25, 2022; THE OGEMAW COUNTY LAND BANK AUTHORITY MEETING HELD FEBRUARY 9, 2022; AIRPORT BOARD MEETING HELD MARCH 16, 2022; AND THE ELECTION BOARD MEETING HELD APRIL 21, 2022.

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

No – None Absent – None Motion carried

* * * * *

Mayor Frechette reminded council members of the budget meeting on Wednesday May 4, 2022.

Member Showalter stated that he was unable to attend the wine walk but heard positive comments about its success. He expressed regret and sympathy that Mr. Deshano passed away and informed members that his business plans were being reviewed.

Member Pugh reminded council to review the City Manager Evaluation tool and send her any revisions tomorrow. She incorporated a score of 1-4 and a NO (not observed) option. She will forward the final draft to Mayor Frechette by Wednesday. She reminded everyone present to vote in the special school election tomorrow.

Member Jackson reported that they received their annual audit results for the Airport. The results were issued with an unmodified opinion. They will be moving forward with health insurance for the director.

Manager Dantzer informed council that he will be meeting with the three Veteran's Groups concerning the use of the old State Police Post on Monday May 9th at 6:00 pm.

Former Mayor Ehinger and Lawrence were in attendance. They expressed concern with the re-routing of traffic during the MDOT project. Concern was also stated about recycling with GFL. Recycling will still be available although it may not be conducted exactly as it is now. They also asked about the marihuana ordinance. Manager Dantzer informed them May 3rd the city would begin to take applications for a one-month period.

Mayor Lawrence asked if the city was still receiving funding to prevent parking on one side of the street by the post office. Manager Dantzer stated that he was unaware that the city had ever received funding for the parking situation. She asked about the Veteran's Banner Program and expressed concern at the price of \$200 every two years to fly the banners. She then asked about the program in Grayling and Manager Dantzer stated that the program had been modeled after theirs but he would check and see how their program was modeled.

Mayor Frechette adjourned the meeting at 6:31 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, MAY 2, 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, Chief Walters, and Commissioner Surbrook.

All stood for the Pledge of Allegiance.

Commissioner Surbrook gave a report.

Public Hearing was held for the 2022/2023 fiscal year budget. Council approved the motion to close the Public Hearing.

Public Hearing was held for the USDA Grant for a DPW Service Vehicle. Council approved the motion to close the Public Hearing.

Mayor Frechette made additions to the agenda under X. New Business to include D MDOT Resolution 22-12.

Council approved bills in the amount of \$43,221.37.

Council approved the special event permit for the Memorial Day Parade and Service.

Council approved the financial contribution request from Lt. Jordan at STING.

Council approved the minutes and summary from the meeting held April 18, 2022.

Council approved the treasurer's report and investment summary; and approved the minutes from the Ogemaw Fire Department meeting held January 25, 2022; the Ogemaw County Land Bank Authority meeting held February 9, 2022; Airport Board meeting held March 16, 2022; and the Election Board meeting held April 21, 2022.

Mayor Frechette, Council Member Showalter, Pugh, and Jackson gave reports.

Former Mayors Ehinger and Lawrence had questions for Council.

Manager Dantzer gave an update.

Mayor Frechette adjourned the meeting at 6:31 pm.

WORK SESSION OF THE WEST BRANCH CITY COUNCIL HELD AT THE WEST BRANCH CITY HALL, 121 N. FOURTH ST. ON THURSDAY, MAY 5, 2022

With Mayor Frechette and Mayor Pro Tem Jackson not being in attendance at the meeting start time, City Manager Dantzer on behalf of the Council Members opened the work session at 6:00 PM.

Present: Mayor Paul Frechette (arrived 6:30pm), Council Members Carol Adair, Joanne Bennett, Ellen Pugh, and Cathy Zimmerman.

Absent: Members Mike Jackson and Rusty Showalter.

Others present: City Manager John Dantzer and Police Chief Ken Walters

Council discussed the 2022-2023 draft budget.

Work Session ended at 8:00 pm.

Bank Code Fund	Description	Beginning Balance 05/01/2022	Total Debits	Total Credits	Ending Balance 05/31/2022
GEN1	GEN1 - GENERAL CHECKING				
101		785,479.96	78,748.32	53,679.22	810,549.06
150	CEMETERY PERPETUAL CARE	36,806.35	480.00	0.00	37,286.35
209	CEMETERY FUND	5,008.35	1,370.00	1,133.54	5,244.81
243	BROWNFIELD REDEVELOPMENT AUTHORITY FU	999.95	0.00	0.00	999.95
248	DDA OPERATING FUND	232,164.44	600.00	200.00	232,564.44
251	INDUSTRIAL PARK FUND	6,888.53	0.00	109.41	6,779.12
276	HOUSING RESOURCE FUND	177,719.02	517.77	0.00	178,236.79
318	SEWER DEBT FUND	217,470.45	4,589.02	48.68	222,010.79
319	WATER DEBT FUND	108,601.72	912.20	10.11	109,503.81
372	PLANT REPLACEMENT FUND (R&I)	0.90	0.00	0.00	0.90
390	SEWER FUND	297,219.06	10,528.25	21,594.69	286,152.62
391	WATER FUND	849,260.25	8,831.14	11,233.60	846,857.79
392	WATER REPLACEMENT FUND	344,797.59	0.00	0.00	344,797.59
393	SEWER COLLECTION	228,393.65	1,110.58	1,777.84	227,726.39
361	EQUIPMENT FUND	23,795.95	4,205.98	3,218.47	24,783.46
704	PAYROLL CLEARING	24,849.90	36,963.10	36,963.10	24,849.90
705	IRONS PARK ENTERTAINMENT FUND	9,335.81	200.00	0.00	9,535.81
707	YOUTH SAFETY PROGRAM	15.00	0.00	0.00	15.00
	GEN1 - GENERAL CHECKING	3,348,806.88	149,056.36	129,968.66	3,367,894.58
MAJOR/	MAJOR/ LOCAL STREETS				
202	MAJOR STREET FUND	601,734.08	21,244.77	547.16	622,431.69
203	LOCAL STREET FUND	328,035.44	7,128.59	381.08	334,782.95
	MAJOR/ LOCAL STREETS	929,769.52	28,373.36	928.24	957,214.64
PAYROLL					
704	PAYROLL CLEARING	26,235.25	36,963.10	34,742.29	28,456.06
	PAYROLL	26,235.25	36,963.10	34,742.29	28,456.06
THEM SAVINGS					
101		459,706.36	0.00	0.00	459,706.36
150	CEMETERY PERPETUAL CARE	1,683.12	0.00	0.00	1,683.12
251	INDUSTRIAL PARK FUND	245.08	0.00	0.00	245.08
371	COLLECTION REPLACEMENT FUND	0.65	0.00	0.00	0.65
391	WATER FUND	26,421.15	0.00	0.00	26,421.15
392	WATER REPLACEMENT FUND	19,791.49	0.00	0.00	19,791.49
393	SEWER COLLECTION	3,184.09	0.00	0.00	3,184.09
361	EQUIPMENT FUND	103,541.00	0.00	0.00	103,541.00
	SAVINGS	614,572.94	0.00	0.00	614,572.94
TAX TAXES					
701	TAX AGENCY	13,435.68	236.28	2,876.03	10,795.93
	TAXES	13,435.68	236.28	2,876.03	10,795.93
	TOTAL - ALL FUNDS	4,932,820.27	214,629.10	168,515.22	4,978,934.15

CASH SUMMARY BY ACCOUNT FOR WEST BRANCH
 FROM 05/01/2022 TO 05/31/2022
 FUND: ALL FUNDS
 INVESTMENT ACCOUNTS

Fund Account	Description	Beginning Balance 05/01/2022	Total Debits	Total Credits	Ending Balance 05/31/2022
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
		<hr/> 250,000.00	<hr/> 0.00	<hr/> 0.00	<hr/> 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	<hr/> 227,770.80	<hr/> 0.00	<hr/> 0.00	<hr/> 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	<hr/> 125,000.00	<hr/> 0.00	<hr/> 0.00	<hr/> 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	<hr/> 250,000.00	<hr/> 0.00	<hr/> 0.00	<hr/> 250,000.00
	TOTAL - ALL FUNDS	<hr/> 852,770.80	<hr/> 0.00	<hr/> 0.00	<hr/> 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

E-mail: waltersk@westbranch.com

5/6/2022

Honorable Mayor and Council,

This is the April month end report. Attached you will see changes to the blight / ordinance violation sheet. The changes now show previous complaints, citations and arrests. Starting for the month of May, you will see an additional format change which will list the residence by address and then all violations in chronological order moving forward for the year.

For the month of April, the department handled 100 Law Enforcement complaints. The department further made 5 Felony and / or arrestable Misdemeanor arrests. The department also forwarded 16 criminal summons / warrant requests to the Prosecuting Attorney for action.

The most serious incidents for the month of April: officers were involved in a Flee and Elude vehicle pursuit, a UDAA (stolen vehicle) in the city, three Methamphetamine seizures and two CSC 1st (rape) investigations. One of the CSC 1st complaints has been forwarded to MSP District 3 Headquarters for investigation at my direction, due to sensitive information.

Respectfully,

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

Chief Kenneth W. Walters

Offense Count Report

Page: 1

Report Criteria:

Start Offense	End Offense	Officer	
01000	99009	ALL	
APRIL 2022	TOTAL 2022	TOTAL 2021	TOTAL 2020
04/01/2022-04/30/2022	01/01/2022-04/30/2022	01/01/2021-12/31/2021	01/01/2020-12/31/2020

Offense	Description	APRIL 2022	TOTAL 2022	TOTAL 2021	TOTAL 2020
11001	SEXUAL PENETR'N PENIS/VAGINA CSC1	1	1	1	0
11002	SEXUAL PENETR'N PENIS/VAGINA CSC3	0	0	0	2
11007	SEXUAL CONTACT FORCIBLE CSC2	1	1	0	0
11008	SEXUAL CONTACT FORCIBLE CSC4	0	0	1	1
13001	NONAGGRAVATED ASSAULT	1	7	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	0	1	9	3
23007	LARCENY - OTHER	1	2	8	11
24001	MOTOR VEHICLE THEFT	1	1	1	0
25000	FORGERY/COUNTERFEITING	0	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	0	2	0	0
28000	STOLEN PROPERTY	1	1	0	0
29000	DAMAGE TO PROPERTY	1	3	15	15
30002	RETAIL FRAUD - THEFT	0	0	0	3
35001	VIOLATION OF CONTROLLED SUBSTANCE	2	2	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
49000	ESCAPE/FLIGHT	1	1	0	0
50000	OBSTRUCTING JUSTICE	4	17	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	1	5	4	6
54003	DRIVING LAW VIOLATIONS	5	15	10	25
57001	TRESPASS	0	1	21	18
70000	JUVENILE RUNAWAY	0	2	0	4
70001	Incorrigible	0	1	0	1
70004	Juvenile Issues	0	0	3	0
73000	MISCELLANEOUS CRIMINAL OFFENSE	0	0	4	15

Offense Count Report

Page: 2

Report Criteria:

Start Offense	End Offense	Officer	
01000	99009	ALL	
APRIL 2022	TOTAL 2022	TOTAL 2021	TOTAL 2020
04/01/2022-04/30/2022	01/01/2022-04/30/2022	01/01/2021-12/31/2021	01/01/2020-12/31/2020

Offense	Description	APRIL 2022	TOTAL 2022	TOTAL 2021	TOTAL 2020
90001	Vehicle Lockouts	7	27	88	103
90002	Motorist Assists	2	2	15	13
90003	Assist E.M.S.	9	44	120	105
90005	City Ordinance Violations	3	3	29	41
90007	Parking Complaints	0	0	4	1
90008	ANIMAL COMPLAINTS	1	3	13	5
91001	Delinquent Minors	2	2	15	3
91002	Runaway	1	1	2	0
91003	K-9 Assists	3	9	7	0
91004	Abandoned Vehicle	0	0	2	3
92003	Walk Away (Ment. & Host.)	0	3	5	4
92004	Insanity	1	3	30	34
92005	MIP Civil	0	1	0	0
93001	PROPERTY DAMAGE ACCIDENT/PI	3	14	51	43
93002	Accident, Non-Traffic	2	9	32	18
93004	Parking Violations	0	1	1	1
93006	Traffic Policing	0	4	21	9
93007	Traffic Safety Public Relations	1	8	35	13
93008	Inspections/Investigations -Breathalyzer	0	0	1	4
94001	Valid Alarm Activations	0	0	3	3
94002	False Alarm Activations	2	22	63	51
95001	Accident, Fire	0	1	1	1
95003	Inspection, Fire	0	1	3	0
95004	Hazardous Condition	0	1	6	2
97001	Accident, Traffic	0	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	3	8	7	5
98006	Civil Matters/Family Disputes	2	9	88	81
98007	Suspicious Situations/Subjects	8	28	178	191
98008	Lost/Found Property	1	2	13	10
98009	Inspections/Investigations -Drug Overdose	0	0	3	2
99001	Suicide	0	0	0	1
99002	Natural Death	0	2	5	6
99004	Natural Disaster	0	0	0	1
99007	PR Activities	0	3	4	22
99008	General Assistance	22	105	283	206
99009	General Non-Criminal	7	12	35	56
Totals:		100	394	1334	1247

REGULAR MEETING OF THE WEST BRANCH PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS
OF CITY HALL, 121 NORTH FOURTH STREET, ON TUESDAY, APRIL 12, 2022.

Chairperson Cori Lucynski called the meeting to order at 6:03 p.m.

Present: Bob David, Yvonne DeRosio, Kara Fachting, Cori Lucynski, Mike Jackson, and Rusty Showalter

Absent: Josh Erickson

Others officers in attendance: John Dantzer

* * * * *

All stood for the Pledge of Allegiance.

* * * * *

**MOTION BY SHOWALTER, SECOND BY DAVID, TO APPROVE THE MINUTES FROM THE MEETING
HELD MARCH 22, 2022 AS PRESENTED.**

Yes — David, DeRosio, Fachting, Lucynski, Jackson, and Showalter

No – None

Absent – Erickson

Motion carried

* * * * *

The Commission reviewed site plan submitted by Mike Riegler to add a commercial warehouse type building to his existing business. Mr. Riegler noted the warehouse would house additional area for his steel roofing business, a textile business, and also have an area that he could rent to other commercial type businesses.

Manager Dantzer asked about the gas line that was noted as running under the new building. Mr. Riegler noted that was his private line and not a main gas line so there were no easements for that line.

Manager Dantzer also noted that if businesses rented his open suites of the warehouse then those businesses would also have to meet the zoning uses for the industrial district. Mr. Riegler noted that they would all be of a commercial type. He further noted he would have some updated plans that he could bring in because the floor plans have changed a little.

Member David noted concerns with fire safety requirements and Mr. Riegler noted he would do what is required by the building department.

**MOTION BY LUCYNSKI, SECOND BY FACHTING, TO APPROVE THE SITE PLAN FROM MIKE
RIEGLER CONTINGENT UPON A FINAL UPDATED SITE PLAN BEING SUBMITTED TO CITY HALL
WITH A SIDE SET BACK OF 15' FROM THE PROPERTY LINE AND A FRONT SETBACK OF 58' FROM
THE CENTER OF THE ROAD.**

Yes — David, DeRosio, Fachting, Lucynski, Jackson, and Showalter

No – None

Absent – Erickson

Motion carried

* * * * *

MOTION BY DEROSO, SECOND BY JACKSON, TO APPROVE THE FOLLOWING CHANGES TO THE MASTERPLAN FOR 2022.

- **REMOVE CHRIS POWLEY AND TIFFANY SCHMIEDER-KUPS FROM THE CITY COUNCIL MEMBER LIST AND ADD CAROL ADAIR AND RUSTY SHOWALTER.**
- **REMOVE TIFFANY SCHMIEDER-KUPS FROM THE PLANNING COMMISSION MEMBER LIST AND ADD JOSH ERICKSON**
- **CHANGE ACTION ITEMS 2.4 AND 4.5 TO ONGOING**
- **CHANGE ACTION ITEMS 3.14, 3.15, 5.6, 5.10, AND 5.11 TO COMPLETE**

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

No – None

Absent – Erickson

Motion carried

* * * * *

Member David noted concern he has heard about the speed of cars throughout town and noted the recent DPW workers who have left will be missed.

Member DeRoso gave a real estate update

Member Showalter updated the Commission on the public hearing held by City Council on the zoning amendment changes for marijuana facilities noting no one was in attendance to speak on the subject and Council passed the introduction of the ordinance as recommended by the Commission.

Member Lucynski gave an update on the MyMichigan walk in clinic, gave an update on the EZ care office that will be part of Meijer, gave an update on upcoming dates for the Meijer opening, and noted how well the park looked.

* * * * *

Meeting was adjourned at 6:55 pm



Michigan local leaders' views on recycling: current challenges and opportunities for improvement

By Debra Horner, Natalie Fitzpatrick, and Thomas Ivacko

This report is the second in a series on recycling issues in Michigan communities. It presents the views of Michigan's local government leaders on challenges their jurisdictions face and opportunities to introduce, expand, or improve recycling services. The findings are based on statewide surveys of local government leaders in the fall 2021 wave of the Michigan Public Policy Survey (MPPS), as part of the Michigan Local Recycling Policy Project.

The Michigan Public Policy Survey (MPPS) is an ongoing census survey of all 1,856 general purpose local governments in Michigan conducted since 2009 by the Center for Local, State, and Urban Policy (CLOSUP). Respondents for the fall 2021 wave of the MPPS include county administrators, board chairs, and clerks; city mayors, managers, and clerks; village presidents, managers, and clerks; and township supervisors, managers, and clerks from 1,356 jurisdictions across the state.



Key Findings

- As with many types of public services, challenges for recycling services are relatively common across Michigan communities. Among jurisdictions that have at least some recycling services today, the most common challenges include the cost of recycling (reported by 46% of jurisdictions), improper recycling practices by users (40%), and a lack of end markets for recycled materials (39%). Statewide, just 9% report facing no challenges of any kind to their local recycling.
- For those with recycling challenges, the state's smaller jurisdictions are most likely to say costs are their top challenge, while jurisdictions with over 10,000 residents are most likely to rank a lack of end markets for recycled materials as their greatest challenge.
- Among jurisdictions with no recycling services, the most common factors cited for the lack of services are costs (55%), lack of processing infrastructure (35%), and lack of staffing for waste and recycling services (31%).
- Smaller jurisdictions are more likely to rank lack of processing infrastructure as a particularly significant barrier, while larger jurisdictions are more likely to identify staffing issues.
- In order to improve or expand recycling, additional funding (73%) and additional local or regional partnerships (64%) were the most frequently cited resources needed by jurisdictions that currently have recycling services available. In order to introduce recycling, these same resources were also the top mentions by those with no recycling available to residents today. In addition, a sizeable percentage of these leaders were unsure about the potential impact of other resources, which may provide an opportunity for outreach and information on overcoming barriers to recycling services in underserved communities.

Background

This is the second in a series of reports from the MPPS Fall 2021 survey wave on community recycling across Michigan.

For many years, Michigan's state government has been a strong proponent of increased recycling efforts, including its recently established goal of tripling the state's current per capita recycling rate.¹ However, there are a range of challenges that both the state and local governments face in attempting to reach such goals. Furthermore, improper recycling practices by community members that contaminate otherwise recyclable materials has also been a continuing problem,² sometimes driving costs higher for local governments.³

The first report in this series on recycling noted that the vast majority of Michigan's local leaders believe recycling is either very (47%) or somewhat (39%) important to their community members.⁴ It also reported that more than three-quarters of local communities have some recycling services or programs available, including curbside recycling collection for residents, on-site recycling collection for local businesses, access to a drop-off recycling facility, household hazardous waste collection opportunities, household electronic equipment collection opportunities, and collection of yard waste material for composting. Meanwhile, 18% of leaders from cities, villages, and townships statewide report that residents in their jurisdictions do not have access to any of these recycling services or programs.

The following report now turns to questions regarding the challenges those local leaders identify for their current recycling efforts, or reasons their jurisdictions are not currently engaged in recycling, as well as resources that might encourage local governments to introduce, improve, or expand recycling services.

**CITY OF WEST BRANCH
CITY COUNCIL MEETING
MAY 16, 2022**

PLEASE TAKE NOTICE that the West Branch City Council meeting scheduled for Monday, May 16, 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.

Join Zoom Meeting

https://us02web.zoom.us/j/84713391718?pwd=OOzLeuijYsdHq5Ykx_jGQeI-2XC4F.1

Meeting ID: 847 1339 1718

Passcode: 547616

One tap mobile

+16465588656,,84713391718#,,,,*547616# US (New York)

+13017158592,,84713391718#,,,,*547616# US (Washington DC)

Dial by your location

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 847 1339 1718

Passcode: 547616

Find your local number: <https://us02web.zoom.us/j/kv4bdOpv8>

• CHAPTER 6. - OFF-ROAD RECREATIONAL VEHICLES

• Sec. 6-266. - Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

City shall mean the City of West Branch.

Driver license means the operator's or chauffeur's license or permit issued to an individual by the state pursuant to MCL 257.301 to 257.329 permitting that individual to operate a vehicle in the state, whether or not conditions are attached to the license or permit.

Maintained portion means that portion of a road or street improved, designated or ordinarily used for vehicular traffic.

ORV means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. The term "ORV" includes, but is not limited to, a multitrack or multi-wheel drive vehicle, an ATV, a motorcycle or related two-wheel, three-wheel, or four-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation deriving motive power from a source other than muscle or wind. The term "ORV" does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned and operated by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in performance of its common function, or a registered aircraft.

Operate means to ride in or on and be in actual physical control of the operation of an ORV.

Operator means a person who operates or is in actual physical control of the operation of an ORV.

Safety certificate means a certificate issued pursuant to MCL 324.81129 or a comparable ORV safety certificate issued under the authority of another state or province of Canada.

Street means a city major street or local street as described in MCL 247.659.

Visual supervision means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

(Code 1994, § 76.01)

• Sec. 6-267. - Designated route.

An ORV shall be operated within a **two** designated routes in the city. The following city streets are hereby established as the City ORV designated routes:

From ORV trails to ORV parking lot for downtown walking access.

Street Name	From	To
Dow Road	City limits	Annie Street
Annie Street	Dow Road	North Fifth Street
North Fifth Street	Annie Street	Lucas Lane
Lucas Lane	N. Fifth Street	ORV parking lot N. Fourth Street

From ORV trails to parking lots at Dairy Queen or West Branch Automotive.

Street Name	From	To
Dow Road	City limits	Lindsay Street
Lindsay Street	Dow Road	North Seventh Street
North Seventh Street	Lindsay Street	North Border of Houghton Ave
North Border of Houghton Ave	Lindsay Street	Parking lots of Dairy Queen or West Branch Automotive

From Lucas Lane or N. Seventh St. ORVs are allowed to use the most direct route to the closest gas station off of N. Fifth or N. Seventh St

(Code 1994, § 76.02)

- **Sec. 6-268. - Rules of operation.**

Except as set forth herein, or otherwise provided by law, an ORV meeting all of the following conditions may be operated in the ORV designated route:

- (1) At a speed of no more than 15 miles ~~15 miles~~ per hour or a lower posted ORV speed limit if such lower speed limit shall be established.
- (2) On the far right of the maintained portion of a street within the ORV designated route.
- (3) By a person not less than 12 years of age who is in possession of a Michigan-issued ORV safety certificate. ~~12 years does not include~~
- (4) With the flow of traffic.
- (5) In a manner which does not interfere with traffic on the road or street.
- (6) Traveling single file except when overtaking and passing another ORV.
- (7) When visibility is not substantially reduced due to weather conditions.
- (8) While displaying a lighted headlight and lighted taillight at all hours.
- (9) While displaying a valid registration.

(10) While the operator and each passenger is wearing a crash helmet and protective eyewear approved by the federal department of transportation unless the vehicle is equipped with a roof, or roll bars, or windshield that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.

(11) With a throttle so designed that when the pressure used to advance the throttle is removed, the genuine speed will immediately and automatically return to idle.

(12) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.

(13) Pursuant to noise emission standards defined by law.

~~(14) For the purpose of obtaining access to recognized off-road trails and for the operator to purchase retail goods and services in conjunction with the legal operations of an ORV.~~

(15) No ORV will be permitted to drive on the ORV designated route before 7:00 a.m. or after ~~10:00 p.m.~~ **11:00 pm** ~~11:00 a.m. to 11:00 p.m.~~

~~(16) An ORV may not be operated upon or along Houghton Avenue/M-55 except for the purpose of crossing. Crossing shall be permitted only at Seventh St. and for the purposes of fuel only~~

(Code 1994, § 76.03)

- **Sec. 6-269. - Operation by minors.**

A child that is at least 12 years of age but less than 16 years of age shall not operate an ORV on a road or street in the city unless the child is under the direct visual supervision of a licensed adult and the child has in his immediate possession a Michigan-issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada. ~~(12 years old allowed at any~~

(Code 1994, § 76.04)

- **Sec. 6-270. - Operation of an ORV; valid license.**

Unless a person 16 years ~~16 years~~ of age or over possesses a valid driver license, a person shall not operate an ORV on a road or street in the city if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

~~An individual 16 years of age or over shall not operate any ORV on a road or street in the City of West Branch, if their motor vehicle operator's license is suspended or revoked.~~

(Code 1994, § 76.05)

- **Sec. 6-271. - Tort liability immunity.**

The city is immune from tort liability for injuries or damages sustained by any person arising in any way out of the operation or use of an ORV on maintained or unmaintained roads, streets, shoulders, and rights-of-way over which the city has jurisdiction.

(Code 1994, § 76.06)

- **Sec. 6-272. - Collision of vehicle and ORV.**

In a court action in this state, if competent evidence demonstrates that a vehicle permitted to operate on a road or street pursuant to the Code was in a collision with an ORV required to be operated on the far right of the maintained portion of a road or street pursuant to this chapter, the operator of the ORV shall be considered prima facie negligent.

(Code 1994, § 76.07)

- **Sec. 6-273. - Penalty.**

Any person who violates this chapter is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00. as per section 1-50 of the West Branch Code of Ordinances:

(1) First offense within a three-year period*\$50.00.

(2) Second offense within a three-year period*\$150.00.

(3) Third or subsequent offense within a three-year period*\$500.00.

*Determined on the basis of the date of commission of the offenses. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(Code 1994, § 76.08)

- **Sec. 6-274. - Restitution.**

A court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

(Code 1994, § 76.09)

- **Sec. 6-275. - Deposit of fines.**

The city treasurer shall deposit all fines and damages collected under this chapter into the general fund.

(Code 1994, § 76.10)

ROUTE #1



ROUTE 2

