

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, JULY 5, 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 Update
- 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. Enactment of Ordinance 22-02, ORV Ordinance
 - C. Enactment of Ordinance 22-03, Offenses
 - D. Introduction of Ordinance 22-04, Peddlers Ordinance
 - E. Special Event JJKN Basketball Clinic
 - F. Special Event Church Ball Tournament - The OHFMC Basketball Ministry
- XI. Approval of the minutes and summary from the meeting held June 20, 2022.
- XII. Consent Agenda
 - A. Treasurer's Report and Investment Summary
 - B. Minutes from the Ogemaw Fire Department meeting held January 25, 2022
 - C. Minutes from the DDA meeting held May 24, 2022.
 - D. Minutes from the Airport Board meeting held June 15, 2022.
- XIII. Communications
- XIV. Reports

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

XV. Public comment any topic

XVI. Adjournment

UPCOMING MEETINGS-EVENTS

July 6 Election Commission 11:00 am

July 9th Fireworks

July 12 Planning Commission 6:00 pm

July 18 Board of Review 11:00 am

July 18 City Council 6:00 pm

July 20 Airport Board 12:15 pm

July 26 DDA 12:00 pm

August 1 City Council 6:00 pm

August 2 State Primary Election

August 9 Planning Commission 6:00 pm

August 15 City Council 6:00 pm

August 17 Airport Board 12:15 pm

August 23 DDA 12:00 pm

MEETING NOTICE

To comply with the Michigan Open Meetings Act (MCL 15.265):

The City of West Branch, 121 N. Fourth St. West Branch, MI 48661; phone: (989) 345-0500;

email: cityhall@westbranch.com.

Internet where meeting notices are posted: www.westbranch.com (click on "CALENDAR OF EVENTS AND NOTICE OF MEETINGS" or go directly to <http://www.westbranch.com/calendar.php>)

Due to City Hall being closed for the 4th of July holiday, the West Branch City Council will be cancelling their regularly scheduled July 4th meeting and rescheduling it to July 5th at 6:00 pm at City Hall, 121 N. Fourth St., West Branch, Michigan, 48661.

Accommodations and necessary reasonable auxiliary aids and services are available upon request to persons with disabilities, as well as the hearing impaired, who require alternately formatted materials or auxiliary aids to ensure effective communication and access to meetings or hearings. All requests for accommodation should be made with as much advance notice as possible by contacting City Clerk Lori Ann Clover at (989) 345-0500; 121 N. 4th St., West Branch, MI 48661; email: clerk@westbranch.com.

This notice was posted by City Manager John Dantzer to comply with Sections 4 and 5 of Michigan Open Meetings Act (MCL 15.265) at 2:00 pm on June 23rd, 2020 on the City of West Branch bulletin board, as well as on the City of West Branch website.

Hi,

I am just getting back from vacation and did not get a chance to get bills ready for your packets. I will have them ready for your review Monday. Sorry for the inconvenience.

Michelle

Ordinance 22-02

The City of West Branch ordains:

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-two designated routes in the city. The following city streets are hereby established as the City ORV designated routes:

From ORV trails to Fifth St gas station or ORV parking lot for downtown walking access.

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

From ORV trails to Seventh St gas stations or 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 N. Fifth St or N. Seventh St. ORVs are allowed to use the most direct route to the closest gas station. N. Fifth will allow ORV's to enter the gas station between Fourth St and Fifth St. via the alley that runs to the back of that gas station. N. Seventh will allow ORV's to cross Houghton Ave. and use either of those two gas stations.

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

(Code 1994, § 76.04)

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

Unless a person 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-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)



ORDINANCE 22-03

The City of West Branch ordains:

Title 13

OFFENSES

Chapter 1. In General

- Sec. 13-1. Disorderly conduct.
- Sec. 13-2. Impeding normal flow of vehicular or pedestrian traffic by loitering.
- Sec. 13-3. Curfew for minors. Parental
- Sec. 13-4. neglect of minors.
- Sec. 13-5. Petty larceny.
- Sec. 13-6. Larceny by conversion.
- Sec. 13-7. Larceny by false personation.
- Sec. 13-8. Larceny; rented property.
- Sec. 13-9. Retail fraud.
- Sec. 13-10. Drawing on insufficient funds.
- Sec. 13-11. Buying, receiving, possessing, or concealing, stolen, embezzled, or converted money, goods, or property.
- Sec. 13-12. Disturbing the peace.
- Sec. 13-13. Malicious destruction of property.
- Sec. 13-14. Trespassing.
- Sec. 13-15. Riding in the bed of a pickup truck.
- Secs. 13-16 13-30. Reserved.

Chapter 2. Weapons Offenses

- Sec. 13-31. Definition.
- Sec. 13-32. Carrying, using and discharging of weapons.
- Sec. 13-33. Exceptions.
- Sec. 13-34. Issuance of permits; conditions.
- Sec. 13-35. Penalty.

CHAPTER 1. IN GENERAL**Sec. 13-1. Disorderly conduct.**

No person shall within the corporate limits of the city conduct themselves in the following disorderly manner:

- (1) Be drunk or intoxicated, or engaged in any indecent or obscene conduct in any public place;
- (2) Use any indecent, obscene or immoral language in a public place;
- (3) Refuse or neglect to support his family when of sufficient ability so to do;
- (4) Engage in prostitution, window peeping or any illegal occupation or business;
- (5) Keep, operate or be found loitering in a house of ill fame or prostitution, or place where prostitution or lewdness is practiced, encouraged or allowed;
- (6) Be found lurking, lying in wait or concealed with intent to do any mischief or to pilfer or to commit any crime whatsoever;
- (7) Make or excite any disturbance or contention in any bar, tavern, restaurant, store, business or professional office, manufacturing establishment, or any other place of business, or in any street, alley, public building or any other public place;
- (8) In any manner provide or furnish to any minor any beer, wine or liquor while such minor is in, on or upon any public place;
- (9) Show, exhibit for sale or sell any indecent or obscene photographs, pictures, drawings, engravings, paintings, post cards, books, or pamphlets;
- (10) Operate, present or offer for public showing any indecent, obscene or immoral exhibition or show or any kind;
- (11) Conduct or carry on any gaming, lottery or gambling in any public place or place to which the public has access or is invited, except lotteries and drawings conducted to provide gains, profits and funds to be used exclusively and entirely for the benefit of any church, school, hospital or other public charitable organization, and excepting also lotteries and drawings conducted by clubs, lodges and fraternal organizations to provide gains, profits and funds to be used exclusively and entirely for charitable purposes.

(Code 1994, § 130.0 1; Ord. No. 74, 1-4-1954)

~~Cross reference- Penalty, § 13-35.~~

Sec. 13-2. Impeding normal flow of vehicular or pedestrian traffic by loitering.

(a) For the purpose of this section, "public place" shall mean any street, alley, park, sidewalk, public building, any place of business or assembly open to or frequented by the public, or any portion thereof, and any other place which is open to the public view, or to which the public has lawful access.

(b) No person, without authority, shall loiter or do any other act so as to block, obstruct, impede or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon any public street or highway, sidewalk or any other public place or any business lawfully conducted by anyone in or upon such public street, highway, public sidewalk or other public place, by means of a barricade, object or device, or with his person, all or any of which prevents the free and uninterrupted ingress, egress and regress therein, thereon or thereto. This section shall not apply to persons maintaining, rearranging or constructing public utility facilities in or adjacent to a street or sidewalk, nor shall it apply to persons peacefully picketing upon places other than a public street or highway.

(c) No person shall conduct himself or join with one or more other persons in a public place, as defined above in subsection (a) of this section, if he knows or should have known that, singly or together with the others with whom he has joined, he is obstructing the free and uninterrupted passage of the public and the peaceful transaction of its business in that public place.

(d) No person shall be issued a citation under this section unless the person fails to leave any of the above described locations after having been requested once to leave by the lawful owner or occupant or a duly authorized police officer. The enforcing officer shall record all verbal warnings in a log kept in the glove box of the patrol car.

(Code 1994, § 130.02; Ord. No. 203, 6-19-1990)

Cross reference- Penalty, § 13-35.

Sec. 13-3. Curfew for minors.

(a) It shall be unlawful for any person under the age of 17 years to loiter or remain in or upon any streets, alleys or public places in the city after the hour of 10:00 p.m., on Sunday, Monday, Tuesday, Wednesday, Thursday and Friday of each week, and after the hour of 12:00 p.m., on Saturday of each week, unless such person is accompanied by his parent, guardian or other person having legal custody and control of such minor, or unless the minor is in the pursuance of an errand directed by his parent, guardian or other person having his care or custody, or while the performance of some lawful

employment of such minor makes it necessary that the minor be upon those streets, alleys or public places during the night time, after such specified hours, and except as hereinafter provided.

(b) Students attending school functions or functions sponsored or authorized by the city council shall be at their respective homes within 30 minutes after a program closes. Students working in the evening shall secure a card or note from employer if they are upon the streets or public places after the hours above set forth in subsection (a) of this section, and shall at all times have the card in their possession and exhibit the same to any officer upon request.

(c) It shall hereafter be unlawful for any parent, guardian or other person having the legal care and custody of any minor under the age of 17 years, to allow, or permit any such child, ward or other person, under such age, while in his legal custody, to loiter or remain, unaccompanied, upon any of the streets, alleys or other public places in the city, within the time prohibited in subsection (a) of this section, unless there exists a reasonable necessity therefore.

(d) Each member of the police force, including chief of police or Michigan State Police or other peace officer, while on duty, is hereby authorized to arrest without warrant any person within his presence violating any of the provisions of subsection (a) of this section and detain that person for a reasonable time until complaint can be made and warrant issued and served. No child or minor person arrested under the provisions of this section shall be placed in confinement until the parent or guardian of that child shall have been notified and the parents' wishes or the wishes of such guardian or legal custodian ascertained, and the parents, guardians or legal custodian shall refuse to be held responsible for the observance of this section by that minor person.

(e) It shall be the duty of a court of competent jurisdiction, upon the arrest of any child or minor person, where the parents, guardian or legal custodian of such minor person refuse to become responsible for such minor for the violation of the provisions of subsection (a) of this section, to inquire into the facts of the arrest, the conditions and circumstances of that child or minor person, and if it shall appear that the child or minor person, for want of proper parental care, guardianship or control, is growing up in mendicancy or vagrancy, or is incorrigible, to cause the proper proceeding to be had and taken as authorized by the laws of the state in those cases.

(f) The curfew shall be sounded in such manner as the city council shall from time to time order.

(Code 1994, § 130.03; Ord. No. 55, 9-20-1943)

Cross reference- Penalty, § 13-35.

Sec. 13-4. Parental neglect of minors.

(a) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *Criminal acts.* Those acts which violate the statutes of the state or the ordinances of the City and shall include traffic violations.
- (2) *Habitual offender.* One who commits two or more criminal acts, or including four or more moving traffic violations, within a 12-month period.
- (3) *Minor.* Any juvenile under the age of 17 residing with the parent as defined in this subsection.
- (4) *Parent.* Mother, father, legal guardian and any other person having the care or custody of a minor or such other adult with whom a minor may be found residing.

(b) It shall be unlawful for the parent of any minor to fail to exercise reasonable parental control which failure results in the minor committing any criminal act or allows or encourages any minor to commit any criminal act or become delinquent in accordance with the provisions of the probate code as it pertains to juveniles.

(c) Notification and responsibility.

- (1) Whenever a minor shall be arrested or detained for the commission of any criminal act within the city, the parent of that minor shall be immediately notified by the police department advising the parent of such arrest or detention, the reason therefore and their responsibility under this section.

- (2) A record of such notification shall be kept by the police department.

(Code 1994, § 130.04; Ord. No 104, 12-7-1970)

Cross reference- Penalty, § 13-3 5.

Sec. 13-5. Petty larceny.

No person shall commit larceny, by stealing, of the property of another, any money, goods, chattels or other things of value, having a value of \$100.00 or less, in the city.

(Code 1994, § 130.05; Ord. No. 168, 5-31-1983)

Cross reference- Penalty, § 13-35.

Sec. 13-6. Larceny by conversion.

Any person to whom money, goods or other property, which may be the subject of larceny, shall have been delivered, who shall embezzle or fraudulently convert to his

own use, or shall secrete with the intent to embezzle, or fraudulently use such goods, money, or other property, or any part thereof, shall be deemed by so doing to have committed the crime of larceny and shall be punished under section 13-35.

(Code 1994, § 130.06; Ord. No. 215, 2-17-1992)

Cross reference- Penalty, § 13-35.

Sec. 13-7. Larceny by false personation.

Any person who shall falsely personate or represent another and in such assumed character shall receive any money, or other property whatever, intended to be delivered to the party so personated, with intent to convert the same to his own use, shall be deemed by so doing, to have committed the crime of larceny, and shall be punished under section 13-35.

(Code 1994, § 130.07; Ord. No. 215, 2-17-1992)

Cross reference- Penalty, § 13-3 5.

Sec. 13-8. Larceny; rented property.

Any person to whom any tangible property is delivered on a rental or lease basis under any agreement in writing providing for its return to a particular place at a particular time who refuses or willfully neglects to return such tangible property, after the expiration of the time stated in a notice in writing proved to have been duly mailed by registered or certified mail addressed to the last known address of the person who rented or leased tangible property, and with intent to defraud the lessor, is guilty of an offense punishable under section 13-35.

(Code 1994, § 130.08; Ord. No. 215, 2-17-1992)

Cross reference- Penalty, § 13-35.

Sec. 13-9. Retail fraud.

Any person who commits any of the following acts shall be deemed to have committed retail fraud:

- (1) Any person who, while a store is open to the public, alters, transfers, removes and replaces, conceals or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale; or
- (2) While a store is open to the public, steals property of the store that is offered for sale; or

- (3) With the intent to defraud, obtain, or attempt to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store.

(Code 1994, § 130.09; Ord. No. 215, 2-17-1992)

Cross reference-Penalty, § 13-35.

Sec. 13-10. Drawing on insufficient funds.

(a) Any person who, with intent to defraud, make, draw, utter or deliver any check, draft or order for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of the making, drawing, uttering, or delivering, that the maker or drawer does not have sufficient funds in or credit with the bank or other depository, for the payment of the check, draft, or order, in full, upon its presentation; or

(b) With the intent to defraud, shall make, draw, utter, or deliver any check, draft, or order for the payment of money to apply on account or otherwise, upon any bank or other depository, unless the person has sufficient funds for the payment of the check, draft, or order when presentation for payment is made to the drawee, except if the lack of funds is due to garnishment, attachment, levy, or other lawful cause, and that fact was not known to the person who made, drew, uttered, or delivered the check, draft, or order at the time of the making, drawing, uttering, or delivering, shall be guilty of an offense punishable under section 13-35.

(c) As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, when presented in the usual course of business, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all costs and collection fees, as established by the city council, within five days after receiving notice that such check, draft or order has not been paid by the drawee.

(d) Where such check, draft or order is protested, on the ground on insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, nonpayment and protest, and shall be prima facie evidence of intent to defraud, and of knowledge of insufficient funds or credit with such bank or other depository. (Code 1994, § 130. 10; Ord. No. 215, 2-17-1992; Ord. No.242, 10-21-1996)

Cross reference- Penalty, § 13-35.

Sec. 13-11. Buying, receiving, possessing, or concealing, stolen, embezzled, or converted money, goods, or property.

A person who buys, receives, possesses, conceals or aids in the concealment of stolen, embezzled or converted money, goods, or property knowing the money, goods, or property to be stolen, embezzled or converted, if the property purchased, possessed or concealed is of a value of \$100.00 or less, the person is guilty of an offense punishable under section 13-35.

(Code 1994, § 130.11; Ord. No. 215, 2-17-1992)

Cross reference- Penalty, § 13-35.

Sec. 13-12. Disturbing the peace.

Any person who shall make or excite any disturbance or contention in any tavern, store, or grocery, manufacturing establishment or any other business place or in any street, lane, alley, highway, public building, grounds or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled, shall be guilty of an offense punishable under section 13-35.

(Code 1994, § 130.12; Ord. No. 215, 2-17-1992)

Cross reference- Penalty, § 13-35.

Sec. 13-13. Malicious destruction of property.

Any person who shall willfully and maliciously destroy or injure the personal property of another, by any means shall be guilty of an offense punishable under section 13-35.

(Code 1994, § 130.13; Ord. No. 215, 2-17-1992)

Cross reference- Penalty, § 13-35.

Sec. 13-14. Trespassing.

Any person who shall willfully enter, upon the lands or premises of another without lawful authority, after having been forbidden so to do by the owner or occupant, agent or servant of the owner or occupant, or any person being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, the agent or servant of either, who without lawful authority neglects or refuses to depart therefrom, shall be guilty of an offense punishable under section 13-35.

(Code 1994, § 130.14; Ord. No. 215, 2-17-1992)

Cross reference- Penalty, § 13-35.

Sec. 13-15. Riding in the bed of a pickup truck.

(a) Except as provided in this section, a person shall not ride, and an owner or operator shall not permit a person to ride, in the bed of a pickup truck on a highway, street or other place open to the general public in the city, unless the person is properly seated on a seat and is wearing a properly adjusted and fastened safety belt, both of which are of a type and installed in a manner meeting the requirements of 49 CFR 571.207, 571.208 and 571.210.

(b) Subsection (a) does not apply to a passenger or operator of any of the following:

- (1) A motor vehicle operated as part of a parade pursuant to a permit issued by the city or the state.
- (2) A military vehicle.
- (3) An authorized emergency vehicle.
- (4) A motor vehicle controlled or operated by an employer or an employee of a farm operation, construction business or public infrastructure maintenance enterprise during the course of work activities provided that:
 - a. Four-way flashers are activated while vehicle is moving with passengers in the bed; and
 - b. Passengers are seated in the floor of the bed of the pickup truck, or on wheel well, sides or tailgate.

(c) An owner or operator of a motor vehicle who permits a person to ride in the bed of a pickup and/or the person riding as a passenger in the bed of the pickup in violation of this section shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine not to exceed \$500.00 plus reimbursement for costs of prosecution. (Code 1994, § 130.15; Ord. No. 250, 11-17-1997; Ord. No. 01-04, 6-18-2001)

Secs. 13-16-13-30. Reserved.

CHAPTER 2. WEAPONS OFFENSES**Sec. 13-31. Definition.**

For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

Firearm. Any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet or other mass, by means of explosives, compressed air or gas or by means of springs, levers or other mechanical device which weapon or device shall be capable by the discharge of any such propelled missile, projectile, bullet, shot, pellet or other mass, of inflicting personal injury or death upon any person, or damage to another's property. (Code 1994, § 130.25; Ord. No. 180, 1-6-1986)

Sec. 13-32. Carrying, using and discharging of weapons.

(a) No person shall carry any firearm upon his person in any public street, alley or other place open to the public in the city unless:

- (1) The person has been issued a valid license to do so as provided by Act 372 of Michigan Public Acts of 1927, as amended (MCL § 28.421 et seq.); or
- (2) All ammunition has been removed from the chamber cylinder, clip or magazine of the firearm and the firearm has been noticeably rendered inoperable by being broken down or disassembled or is completely enclosed within a case or other similar container.

(b) No person shall discharge any firearm in the city, and no person shall draw, handle or flourish any firearm in any public street, alley or other place open to the public in the city.

(Code 1994, § 130.26; Ord. No. 180, 1-6-1986)

~~Cross reference- Penalty, § 13-35.~~

Sec. 13-33. Exceptions.

The prohibitions in this subchapter shall not apply to the following situations:

- (1) To persons acting in the lawful defense of person, property or family.
- (2) To police officers or other officers of the law in the lawful discharge of their duty.
- (3) When a firearm is being shown or otherwise handled in the regular course of merchandising or is being carried from the building immediately after purchase of that firearm within the building, or the firearm is carried into the building for repair of that firearm.
- (4) To authorized military parades by permission of the city council.
- (5) To indoor enclosed firearm ranges so constructed as to prevent damages to property or injury or death to any person where such firearm ranges are

otherwise lawful. However, the discharge of a bow and arrow is permitted upon unenclosed ranges, where such ranges are constructed so as to prevent damage to property or injury or death to any person.

- (6) To persons who have obtained a permit from the city police for the control of pests, (birds or animals) that are causing property damage or creating a health hazard or a general nuisance. However, when any wild birds or animals are classified as protected game birds or animals by the state department of natural resources, permission to destroy them shall first have been obtained from that department and after the protected wild bird or animal has been killed, it shall be disposed of as directed by the department.

(Code 1994, § 130.27; Ord. No. 180, 1-6-1986)

Sec. 13-34. Issuance of permits; conditions.

No person shall be issued a permit unless he shall be 18 years of age, and comply with the following:

- (1) On the permit request, the following information shall be supplied:
- a. Name, address and age.
 - b. Affiliations, if any.
 - c. Type of pest to be controlled.
 - d. Method of control.
 - e. Period of time required for pest control.
- (2) All requests for permits shall be reviewed and signed by the chief of police, only after he is satisfied that the procedure to be used to eliminate the pests is safe from damage or injury to any person or persons residing in the city.

(Code 1994, § 130.28; Ord. No. 180, 1-6-1986)

Sec. 13-35. Penalty.

(a) A violation of section 13-2 and section 13-3 is a municipal civil infraction, pursuant to section 1-41 of this Code. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

(b) Any person who shall, within the corporate limits of the city, commit any of the acts listed in section 13-1, sections 13-4 through 13-14, and sections 13-32 through 13-34 shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine not to exceed \$500.00 plus reimbursement for costs of prosecution. (Code 1994, § 130.99; Ord. No. 55, 9-20-1943; Ord. No. 203, 6-19-1990; Ord. No. 01-04, 6-18-2001)

Ordinance 22-04

The City of West Branch ordains:

CHAPTER 3. PEDDLERS, SOLICITORS AND MERCHANTISERS

ARTICLE I. IN GENERAL

Sec. 10-44. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fixed stand means any type of cart, stand, truck, trailer, or other similar structure that is used to merchandise goods from a fixed location.

Peddler means any person traveling by foot, automotive vehicle or other conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares, merchandise, foods, meats, fish, vegetables, fruits, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from an automotive vehicle, or other vehicle or conveyance. Any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provision of this chapter, shall be deemed a peddler. The term "peddler" shall include the terms "hawker" and "huckster."

Solicitor means any individual, whether a resident of the city or not, traveling either by foot, automobile, vehicle, or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, foods, books, magazines, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales or not, and shall include any person who is soliciting funds or personal property by donation or for himself or any secular or religious organization. The term "solicitor" shall include the term "canvasser."

Transient merchant means any person, whether as owner, agent, consignee or employee, who engages in a temporary business of selling and delivering goods, wares and merchandise within the city; and who in the furtherance of such purpose hires, leases, uses or occupies any building, structure, motor vehicle, tent, box car, trailer or boat, public room in hotels, lodging houses, apartments, shops or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise either privately or at public auction. This definition shall not include any person who, while occupying such temporary location, does not sell from stock, does not take deposits, but exhibits samples only for the purpose of securing orders for future delivery. The term "transient merchant" shall include the terms "itinerant merchants," "concession stand operators," "food truck operators," and "itinerant vendors."

(Code 1994, § 111.01; Ord. No. 165, 1-4-1982; Ord. No. 172, 10-2-1984; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-45. Inspections.

The police chief shall make or cause to be made sufficient inspections to ensure compliance with the provisions of this chapter and any other applicable ordinances of the city by the personnel conducting such sales.
(Code 1994, § 111.91; Ord. No. 147, 9-14-1978; Ord. No. 200, 10-2-1989)

Sec. 10-46. Violations and penalty.

Each day that a violation continues shall constitute a separate violation punishable as a municipal civil infraction, pursuant to section 1-50.
(Code 1994, § 111.40; Ord. No. 258, 6-21-1999; Ord. No. 01-04, 6-18-2001)

Secs. 10-47—10-65. Reserved.

ARTICLE II. LICENSING

Sec. 10-66. License required; summary of procedure.

No person covered by this article shall engage in the business of peddler, hawker, huckster, solicitor, transient merchant, itinerant merchant, or itinerant vendor in the city without first obtaining a license issued by the city. Applications for city-issued licenses shall be available at city hall and must fully be completed by the applicant and turned in to city hall staff for consideration. Decisions regarding the approval or denial of license applications are to be made by the city manager. Appeals of license application denials shall be made in writing and are to be decided by a majority vote of the city council.
(Code 1994, § 111.15; Ord. No. 165, 1-4-1982; Ord. No. 172, 10-2-1984; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-67. Standard Peddlers license.

A standard license for peddling, soliciting, or merchandising goods within the city may be granted upon approval by the city manager or his designee, with a license fee as provided in the city fee schedule. Any such license is subject to the following provisions:

- (1) Any trucks, trailers, carts, or other such stands operating under a standard license shall not be placed upon private or public property, including public parks, streets, alleys, sidewalks, parking lots, or parking spaces.
- (2) Any person placing a truck, trailer, cart, or other such stand upon private property must have permission from the owner or tenant of such property, and must also comply with section 1-44.
- (3) Any standard license that involves the placement of a truck, trailer, cart, or other such stand upon private property may be approved for a 14-day period only, and not less than 14 days shall elapse between the end of one license and the beginning of another license involving the same general location.

(Code 1994, § 111.60; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-68. Special use license.

A special use license for peddling, soliciting, or merchandising goods within the city may be granted upon approval by the city manager or his designee, with a license fee as provided in the city fee schedule. Any such license is subject to the following provisions:

- (1) Any trucks, trailers, carts, or other such stands operating under a special use license shall not be placed upon any privately held property, and may only be placed upon such public property as is specifically described in the site plan approved by the city council.
- (2) Any special use license that involves the placement of a truck, trailer, cart, or other such stand upon public property may be approved for a 14-day period only, and not less than 14 days shall elapse between the end of one license and the beginning of another license involving the same general location.
- (3) Any applicant for a special use license that involves the placement of a truck, trailer, cart, or other such stand upon public property must include in the application for the license proof that such operation is not opposed by any landowners or tenants whose property is within 100 feet of the proposed operation.

(Code 1994, § 111.61; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-69. Event license.

An event license for peddling, soliciting, or merchandising goods within the city may be granted upon approval by the city manager or his designee, with a license fee as provided in the city fee schedule. The purpose of the license is to provide a blanket license to any peddler, solicitor, merchandiser, or food vendor operating within the boundaries of the event site plan approved via the event license, so long as each individual peddler, solicitor, merchandiser, or food vendor also obtains permission from the holder of the event license, with the entity organizing the event being the party responsible for dictating the exact placement and operations of any peddler, solicitor, merchandiser, or food vendor operating within the boundaries of the approved site plan during the event. Any such license is also subject to the following provisions:

- (1) Any trucks, trailers, carts, or other such stands operating under an event license shall not be placed upon any privately held property without permission from the landowner or tenant of the property.
- (2) Any trucks, trailers, carts, or other such stands operating under an event license shall only be placed upon public property if:
 - a. Such placement occurs within the boundaries of the site plan submitted with the event license application;
 - b. Such placement is approved by the underlying event license holder; and
 - c. Such placement complies with all other applicable provisions of this chapter, including section 10-103.
- (3) It is the responsibility of the underlying event license holder to ensure that all applicable provisions of this chapter are properly complied with.
- (4) It shall also be the responsibility of the underlying event license holder to ensure that each peddler, solicitor, merchandiser, or food vendor operating under the event license provide proof of any required health license issued by the local health department or state department of agriculture.

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- (5) ~~The underlying event license holder may, at its own discretion, seek reimbursement of the event license fee from any peddler, solicitor, merchandiser, or food vendor operating within the confines of the event license; however, such arrangements would be made by the parties with no involvement by the city.~~

~~{Code 1994, § 111.62}~~

Sec. 10-70. General peddler or Solicitor license.

A ~~general peddler or~~ solicitor license for peddling, soliciting, or merchandising goods within the city may be granted, upon approval by the city manager or his designee, with a license fee as provided in the city fee schedule for a consecutive six-month period. The purpose of the license is to allow any peddler, solicitor or merchandiser operating within the city to sell or offer for sale goods and services, subject to the following provisions:

- (1) Door-to-door sales are allowed under a ~~general peddler or~~ solicitor license, provided that all other provisions of this article are complied with, including sections 10-102 through 10-106.
- (2) The use of fixed stands of any kind are not allowed under a general peddler or solicitor license.

(Code 1994, § 111.63; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-71. Application for license.

The license applicant, under the provisions of this chapter, shall furnish the following information:

- (1) Name of the applicant, including date of birth, ~~social security number,~~ and driver license number.
- (2) ~~Permanent home address and full local~~ address of the applicant, along with contract information, such as telephone number or email address.
- (3) Name of any business or organization that may be associated with the applicant's use of the license, if granted, including the full address and contact information for any such entity.
- (4) If employed, the name and address of the employer, together with credentials establishing the exact relationship.
- (5) A brief description of the nature of the business and the goods to be sold.
- (6) The length of time for which the right to do business is desired, including specific dates.
- (7) A site plan showing the place or places where the goods or property are proposed to be sold or offered for sale, as well as a general listing of the type of goods to be offered, and the proposed method of delivery of goods after purchase. The site plan also must show the location and size of any trucks, trailers, carts, or stands proposed to be used, and applications involving the proposed use of fixed stands must also include in the site plan any buildings, structures, signs, roads, driveways, waste receptacles, restrooms, and parking areas in and around the area of proposed use.
- (8) A copy of the applicant's driver license or state identification card, or, if the photograph on the license or identification card is no longer an accurate likeness of the applicant, a photograph of the applicant, no less than two inches by two inches, taken within 60 days prior to the date of the filing of the application, showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (9) ~~The names and contact information of at least two reliable property owners of the county, who will certify as to the applicant's good character and business respectability, or, in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility.~~

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- (10) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor, with such statement being sworn and attested to before a notary public.
 - (11) If the application proposes to handle or sell food or other items for human consumption, the applicant shall provide proof of any required health licenses issued by the local health department or state department of agriculture, or a written explanation as to why the applicant contends that such licenses are either not required or not yet available for inspection.
 - (12) An indication as to which type of license is being sought: ~~standard~~ peddlers license, ~~special-use license, event license, or general peddler~~ or solicitor license.
 - (13) A statement, ~~sworn and attested to before a notary public~~, indicating that the applicant has read this chapter in its entirety and agrees to comply with all provisions stated therein.

(Code 1994, § 111.16; Ord. No. 165, 1-4-1982; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-72. License fees.

Aside from those persons otherwise exempted from such fees by state or federal law, all persons, corporations, co-partnership or firms who are now engaged, or who intend to engage in the business of peddling or soliciting, or merchandising goods within the corporate limits of the city, shall pay to the city a license fee to engage in that business according to the city fee schedule unless an application for waiver of the fees is completed by a non-profit organization and then approved by a majority vote of the city council.

(Code 1994, § 111.18; Ord. No. 165, 1-4-1982; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-73. Exemptions.

- (a) The following persons and entities shall be exempt from the licensing requirements of this chapter, but shall be subject to the other provisions hereof:
 - (1) Farmers or truck gardeners selling or offering for sale any products grown, raised or produced by them.
 - (2) Persons under 18 years of age, when engaged in peddling or soliciting on foot in the neighborhood of his residence under the direct supervision of a county school or a recognized charitable or religious organization. Children under the age of 14 years must be accompanied by a parent or adult. Accompaniment requires a physical presence within 100 feet of the child by the parent or adult.
 - (3) A person conducting a catalog party or other similar type of solicitation that occurs entirely inside a business or residence, provided that the person conducting the solicitation has secured advance permission to conduct the solicitation from the party with a possessory interest in the location where the indoor solicitation is to occur, and also, provided that such solicitation does not consist of door-to-door or cold-call types of solicitation.
 - (4) Members of churches, synagogues, mosques, and other religious organizations when such soliciting is solely for the benefit of the respective religious organization.
 - (5) Members of fraternal or charitable organizations, when such soliciting has been approved by and is done on behalf of the respective fraternal organization or charitable organization.
 - (6) A person soliciting exclusively to canvass or petition for a public official, political candidate, public policy or initiative being promoted for the purposes of public referendum, initiative, or election. These persons shall remain subject to the other provisions of this chapter.

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- (7) Any person who is exempt from such license under the terms of state or federal law. These persons shall remain subject to the other provisions of this chapter except as to those provisions which may be preempted by state or federal law.
 - (8) Any person operating in an approved City of West Branch special event permit. The applicant for the special event shall determine at their sole discretion what types and number of peddlers to allow in conjunction with the approved event.
- (b) Persons exempt from the licensing under this section shall still be required to complete and sign the license application prior to peddling, soliciting or merchandising goods in the city.
- (Code 1994, §§ 111.17, 111.19; Ord. No. 165, 1-4-1982; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-74. Review of application.

Upon receipt of an application, the city manager, or the city manager's designee, shall determine if the license application requirements have been submitted and that any required license fees have been paid. If there is any information missing, or required fees have not been paid, the city manager, or the city manager's designee, shall notify the applicant via telephone or first-class mail. Applications missing information or with unpaid required license fees will not be reviewed until such deficiencies are corrected. The Chief of Police, who shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public interest. The Chief of Police, at his discretion for the protection of the public interest and to aid in the investigation, may require a photograph and fingerprints of the applicant and such additional data as necessary to conduct the investigation.

(Code 1994, § 111.80; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-75. Approval.

Applications will be submitted to the city manager, or the city manager's designee, for an administrative decision on whether to approve or disapprove the application, after it is determined by the city manager or his designee that all required contents of the application have been submitted and the license fee has been paid. If the applicant and application are then found to be satisfactory for the purposes of issuing a license under the provisions of this chapter, such approval shall be granted administratively by the city manager or his designee.

(Code 1994, § 111.81; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-76. Denial.

In the event that an application is denied, the applicant shall be notified that the license request has been denied and the reason for such denial. Applications that are denied administratively may be appealed in writing to the city council, where the matter will be decided by a majority vote of the city council. Applications may be denied by the city manager or his designee, or by the city council for the following, non-exhaustive list of reasons:

- (1) Misleading or false information on the application.
- (2) Prior history or conduct which may be detrimental to the health, safety, and welfare of the citizens or visitors of the city.
- (3) Any conviction of a licensee that may jeopardize public health, safety, or welfare of the residents or visitors of the city.

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- (4) Any other reason the city council, the city manager or his designee determines necessary to protect the safety or health of the public consistent with the purposes of this article.
 - (5) The absence of any required documentation or the failure to pay license fees.
 - (6) Failure to comply with municipal civil infractions or ordinance violations issued by the city or other municipalities.

Any applicant that receives a notice of denial shall have the right to appeal the decision to City Council. The appeal shall be taken by the City Clerk and included on the agenda of a City Council meeting within 30 days from the receipt of appeal. The decision of the Council shall be final

(Code 1994, § 111.82; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-77. Issuance.

Upon approval, a license will be issued to the applicant by the city manager or his designee.

(Code 1994, § 111.83; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-78. Required posting of city license.

Any peddler, solicitor or ~~merchandise~~ requiring a license under this chapter must carry proof of the issuance of such license at all times during which licensed activity is taking place. In addition, any trucks, trailers, carts, or other such stands operating under a city license issued under this article must post a copy of such license in an area that is readily viewable by any patrons or passersby.

(Code 1994, § 111.70; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-79. Required posting of other licenses/permits.

Any peddler, solicitor or ~~merchandise~~ whose activities require a license or permit under any federal or state law or regulation must carry proof of the issuance of such license or permit at all times during which the licensed activity is taking place. In addition, any trucks, trailers, carts, or other such stands operating under such licenses or permits must post a copy of such in an area that is readily viewable by any patrons or passersby. Any health licenses required by the local health department or the state department of agriculture are also covered by this provision, and must also be posted or carried in the manner described above.

(Code 1994, § 111.71; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Secs. 10-80—10-101. Reserved.

ARTICLE III. PROHIBITED ACTS AND PRACTICES

Sec. 10-102. Prohibited conduct.

The following conduct, in addition to any other prohibitions imposed by this chapter, shall be prohibited and shall be punishable as a violation of this chapter:

- (1) Entering a private residence under pretenses other than for soliciting or peddling.

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- (2) Remaining in a private residence or on the premises thereon after the owner or occupant thereof has requested any such person to leave.
 - (3) Going in and upon the premises of a private residence by such person to solicit or peddle when the owner or occupant thereof has displayed a "no soliciting" or "no peddling" sign on such premises.
 - (4) Soliciting or peddling at a private residence prior to 10:00 a.m. or after official sunset time, or at any time on a Sunday, or on a state or national holiday.

(Code 1994, § 111.20; Ord. No. 258, 6-21-1999)

Sec. 10-103. Obstruction of public areas; safety hazards and nuisances.

- (a) No person covered by this article shall, in the sale of goods, wares and merchandise, obstruct any street, alley, sidewalk or driveway, or remain, barter, sell, offer or expose for sale any goods, wares, or merchandise in front of or at the side of any property against the wish or desire of the property owner or the tenant or occupant of such property.
- (b) ~~Except in the event of a street closure approved by the city council, no street or alley shall be blocked by merchandise offered for sale hereunder. Not less than a five foot passageway for pedestrians shall be left open and merchandise shall be securely and adequately placed so that it will not endanger passerby or fall or extrude into any street or alley. Sidewalk sales shall be operated in a manner, which will not cause a nuisance or create a fire hazard.~~
- (c) No person covered by this article shall engage in peddling on any street, alley or public place after having been requested to desist by any police officer of the city because of congested or dangerous traffic conditions.
- ~~(d) All holders of special use or event licenses remain subject to this provision and are required to take any precautions necessary to ensure continued compliance.~~

(Code 1994, §§ 111.31, 111.90; Ord. No. 165, 1-4-1982; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-104. Fixed stands prohibited absent proper license.

- (a) No person covered by this article shall stop or remain in any one place upon any street, alley or public place longer than necessary to make a sale to a customer wishing to buy, unless the person is in possession of a valid special use or event license allowing for such action.
- ~~(b) Any person operating under a standard peddler or solicitor license covered by this article using a vehicle, trailer or any sort of conveyance, when stopped, shall place his vehicle parallel to and within 12 inches of the curb and shall depart from such place as soon as he has completed sales with customers actually present.~~

(Code 1994, § 111.32; Ord. No. 165, 1-4-1982; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-105. Curb service prohibited.

- (a) No person covered by this article shall operate or maintain any stand, vehicle, store or place of business on or near any highway in such a manner that the customers of or traders with such person occupy or congregate within the limits of any street, highway or public place within the city, ~~unless the person is in possession of a valid special use or event license allowing for such action.~~
- ~~(b) No person covered by this article shall be permitted to use the streets, alleys or public places of the city for the service of customers or for the transaction of business, or to use any stands, stores or other places of~~

business in any manner that shall require the customer, when transacting the business, to stand within the limits of the streets, highways, alleys, or public places of the city, except as provided in sections 8-352 through 8-429 or where a valid special use or event license allows such action.

(Code 1994, § 111.33; Ord. No. 165, 1-4-1982; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-106. Shouting or use of other devices to attract attention.

No person covered by this article shall shout or cry out his goods or merchandise, nor blow any horns, or use any other similar device to attract the attention of the public, absent special permission approved in advance by a majority vote of the city council.

(Code 1994, § 111.34; Ord. No. 165, 1-4-1982; Ord. No. 258, 6-21-1999; Ord. of 4-20-2015)

Sec. 10-107. Suspension/Revocation

The city manager or the city manager's designee shall have the power to suspend or revoke any permit issued under this Ordinance for the following reasons.

- A. Any fraud or misrepresentation contained in the license application or any accompanying documents.
- B. Fraud, misrepresentation, or false statement in the course of carrying on his business or failure to conduct the business under the terms of the permit.
- C. Any violation of this chapter.
- D. Conviction of the licensee of any felony, or conviction of the licensees of any misdemeanor involving mora turpitude.
- E. Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, or general welfare of the public.

Any applicant that has a license suspended/revoked may appeal that decision to City Council. The process shall follow the same procedures as a denied applicant as noted in section 10-76

Secs. 10-108—10-125. Reserved.



Phone 989-345-0500, Fax 989-345-4390, e-mail cityhall@westbranch.com

The City of West Branch is an equal opportunity provider, employer, and lender

CHAPTER 3: PEDDLERS AND SOLICITORS

"No person covered by the Ordinance shall engage in the business of peddler, hawker, huckster, solicitor, transient merchant, itinerant merchant, itinerant vendor in the City without first obtaining a license issued by the City. Applications for City issued licenses shall be available at City Hall and must be fully completed by the applicant and turned into City Hall staff for consideration. Decisions regarding the approval or denial of license applications are to be made by the City Manager. Appeals of license application denials shall be made in writing and are to be decided by a majority vote of the City Council." The license applicant, under the provisions of this chapter [Chapter 3], shall furnish the following information:

Name (including nicknames and aliases): _____

Date of Birth: _____

Valid Driver's License: ☐ Yes ☐ No License or State ID Number: _____

[Please include a copy of the drivers license or a 2x2 picture taken within the last 60 days]

Address: _____

Telephone Number(s): _____

Email Address: _____

Name of any business or organization that may be associated with the applicant's use of the license, if granted, including the full address and contact information for any such entity: _____

The applicant ☐ does ☐ does not propose to handle or sell food or other items for human consumption.

[If the applicant does propose to handle or sell food or other items for human consumption, the applicant must provide proof of any required health license/s issued by the local Health Department or Michigan Department of Agriculture, or a written explanation as to why the applicant contends that such licenses are either not required or not yet available for inspection].

Brief description of the nature of the business and the goods to be sold: _____

If a vehicle is to be used, license number and state of issue _____

Type of License Sought:

- ☐ Peddlers License (public or private property) [\$10 per day or \$50 for six-month license]
- ☐ Solicitor License (door to door sales) [\$10 per day, or \$50 for six-month license]

☐ The applicant is a non-profit organization and request to have the license fees waived by vote of City Council.
(Include a copy of the non-profit license)

Violations and Penalties

Each day that a violation [of the City of West Branch's Peddlers and Solicitors Ordinance] continues shall constitute a separate violation punishable as a Municipal Civil Infraction, pursuant to Section 1-50 of the City of West Branch Code of Ordinances.

Sworn Statement:

I, the applicant signed below, hereby state that I ☐ have ☐ have not been convicted of any crime, misdemeanor or violation of any municipal ordinance (and if I have been so convicted, the following statement explains the nature of the offense and the punishment or penalty assessed therefore): _____

Site Plan:

Please use the lines below (or attach additional pages, if needed) to submit a site plan showing the place or places where the goods or property are proposed to be sold or offered for sale, as well as a general listing of the type of goods to be offered, and the proposed method of delivery of goods after purchase. The site plan must also show the location and size of any trucks, trailers, carts, or stands proposed to be used, and applications involving the proposed use of fixed stands must also include in the site plan any buildings, structures, signs, roads, driveways, waste receptacles, restrooms, and parking areas in and around the area of proposed use.

Check off list

- ☐ Completed application
- ☐ Copy of driver's license
- ☐ Copy of approved permit from a local health department or Michigan Department of Agriculture (if applicant proposes to sell any food or other item for human consumption.
- ☐ Copy of approval of landowner if operating on private property
- ☐ Copy of approved non-profit license if asking for waiver of fees.

By signing this application, I hereby state that I have read the entirety of the ordinance that applies to peddling/soliciting/vending within the City of West Branch and I that I agree to comply with all the provisions.

Signature of Applicant

Date

Printed Name of Applicant

☐ Approved ☐ Not Approved Date: _____ Signature: _____



121 North Fourth Street • West Branch, Michigan 48661
(989) 343-1250 • Fax (989) 343-4320 • e-mail: cityhall@westbranch.com

Special events permit

Event Name: JJKN Basketball Clinic

Event Date: July 13 & 20 Start Time: 9am End Time: 12:00

Name of Sponsoring Organization: JJKN3x3

Address: 1005 Woodside Ave, Suite #1, Essexville, MI 48732

Contact Person: Jason Newsham Phone Number: 9899715868

Describe the purpose of this event: A basketball clinic for grades 1st - 8th

Point of Assembly: _____

Proposed Route: _____

(start to finish, attach route diagram if needed)

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

West Branch City DPW -



services NOT needed



arrangements have been made

Superintendent of Public Works

By signing below, the applicant for the Special Event Permit agrees to hold harmless and indemnify the City and its officers, employees, contractors, subcontractors, representatives, and agents from and against any and all 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 sponsor and/or their officers, employees, contractors, subcontractors, representative and/or agents.

T. Jason Newsham

Signature

27 JUN 2022

Date

For Office Use Only:
Permit Approved – Yes / No

City Council/Manager

7/6/2020



121 North Fourth Street • West Branch, Michigan 48661
(517) 345-4300 • Fax (517) 345-4390 • e-mail: city hall@westbranch.com

Special events permit

Event Name: Church Ball Tournament
Event Date: 09/02/2022 Start Time: 1:30pm End Time: 9:00pm
Name of Sponsoring Organization: The OHFMC Basketball Ministry
Address: 3480 W, M-76 W, West Branch, MI 48661
Contact Person: Dimitris R Schizas Phone Number: 9899650820
Describe the purpose of this event: A one day basketball tournament

Point of Assembly: The Irons Park basketball courts
Proposed Route: _____
(start to finish, attach route diagram if needed)

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

West Branch City DPW -



services NOT needed



arrangements have been made

Superintendent of Public Works

By signing below, the applicant for the Special Event Permit agrees to hold harmless and indemnify the City and its officers, employees, contractors, subcontractors, representatives, and agents from and against any and all 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 sponsor and/or their officers, employees, contractors, subcontractors, representative and/or agents.

Dimitris R Schizas

Signature

06/27/2022

Date

For Office Use Only:
Permit Approved – Yes / No

City Council/Manager

Bank Code		Beginning Balance 07/01/2022	Total Debits	Total Credits	Ending Balance 07/31/2022
Fund	Description				
GEN1	GEN1 - GENERAL CHECKING				
101		660,805.02	0.00	0.00	660,805.02
150	CEMETERY PERPETUAL CARE	37,526.35	0.00	0.00	37,526.35
209	CEMETERY FUND	(1,583.07)	0.00	0.00	(1,583.07)
243	BROWNFIELD REDEVELOPMENT AUTHORITY FU	999.95	0.00	0.00	999.95
248	DDA OPERATING FUND	232,195.84	0.00	0.00	232,195.84
251	INDUSTRIAL PARK FUND	6,141.06	0.00	0.00	6,141.06
276	HOUSING RESOURCE FUND	178,677.79	0.00	0.00	178,677.79
318	SEWER DEBT FUND	16,460.17	135.85	0.00	16,596.02
319	WATER DEBT FUND	59,221.31	23.70	0.00	59,245.01
572	PLANT REPLACEMENT FUND (R&I)	0.90	0.00	0.00	0.90
590	SEWER FUND	311,199.69	130.30	0.00	311,329.99
591	WATER FUND	711,060.66	183.53	0.00	711,244.19
592	WATER REPLACEMENT FUND	522,654.46	0.00	0.00	522,654.46
593	SEWER COLLECTION	236,389.42	32.98	0.00	236,422.40
561	EQUIPMENT FUND	36,666.45	0.00	0.00	36,666.45
704	PAYROLL CLEARING	24,849.90	0.00	0.00	24,849.90
705	IRONS PARK ENTERTAINMENT FUND	10,600.81	0.00	0.00	10,600.81
707	YOUTH SAFETY PROGRAM	15.00	0.00	0.00	15.00
	GEN1 - GENERAL CHECKING	3,043,881.71	506.36	0.00	3,044,388.07
MAJOR/ LOCAL STREETS					
202	MAJOR STREET FUND	661,533.75	0.00	0.00	661,533.75
203	LOCAL STREET FUND	339,121.20	0.00	0.00	339,121.20
	MAJOR/ LOCAL STREETS	1,000,654.95	0.00	0.00	1,000,654.95
PAYROLL					
704	PAYROLL CLEARING	30,359.06	0.00	0.00	30,359.06
	PAYROLL	30,359.06	0.00	0.00	30,359.06
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
571	COLLECTION REPLACEMENT FUND	0.65	0.00	0.00	0.65
591	WATER FUND	26,421.15	0.00	0.00	26,421.15
592	WATER REPLACEMENT FUND	19,791.49	0.00	0.00	19,791.49
593	SEWER COLLECTION	3,184.09	0.00	0.00	3,184.09
561	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	10,559.65	0.00	0.00	10,559.65
	TAXES	10,559.65	0.00	0.00	10,559.65
	TOTAL - ALL FUNDS	4,700,028.31	506.36	0.00	4,700,534.67

CASH SUMMARY BY ACCOUNT FOR WEST BRANCH
 FROM 07/01/2022 TO 07/31/2022
 FUND: ALL FUNDS
 INVESTMENT ACCOUNTS

Fund Account	Description	Beginning Balance 07/01/2022	Total Debits	Total Credits	Ending Balance 07/31/2022
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
		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

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, JUNE 20, 2022.

Mayor Frechette called the meeting to order at 6:01 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 City Attorney Greg Meihn.

All stood for the Pledge of Allegiance.

* * * * *

Additions to the agenda were J. Veteran's Alliance under X. New Business.

* * * * *

**MOTION BY BENNETT, SECOND BY PUGH, TO APPROVE THE PAYMENT OF BILLS IN THE
AMOUNT OF \$63,341.13.**

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

No – None

Absent – None

Motion carried

* * * * *

**MOTION BY FRECHETTE, SECOND BY SHOWALTER, TO RESCHEDULE THE NEXT MEETING FOR
TUESDAY, JULY 5, 2022 AT 6:00 PM AS THE NORMAL MEETING WOULD FALL ON A HOLIDAY,
INDEPENDENCE DAY.**

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

No – None

Absent – None

Motion carried

* * * * *

**MOTION BY SHOWALTER, SECOND BY ADAIR, TO APPROVE RESOLUTION 22-16 BUDGET
AMENDMENTS FOR FISCAL YEAR 2022.**

RESOLUTION #22-16

WHEREAS, City staff compares the year to date actual with the budgeted amount of all revenue
and expenditures monthly; and

WHEREAS, the revenues in Fund 101, General Fund, were increased due to the understatement of current property tax refuse, the understatement of personal property tax loss reimbursement, the understatement of penalties and interest on current taxes, an overstatement of miscellaneous income, the receiving of a portion of the COPS grant not budgeted for, the understatement of traffic bureau revenue, the receiving of insurance claim income due to the receipt of the final payment from the damage done to the public works building, and the receiving of a recycling grant that was applied for and expensed in the 2020-2021 budget, and

WHEREAS, the expenses in Fund 101, General Fund, were increased to account for the understatement of MERS expenses, expenses for damage done to the public work building, and an increase in park operating expenses, and

WHEREAS, the expenses in Fund 276, Housing Fund, were increased due to consulting requirements for the M-30 housing project that were not budgeted for, and

WHEREAS, the revenues in Fund 318, Sewer Debt Fund, were increased due to an understatement of billings, and

WHEREAS, the expenses in Fund 318, Sewer Debt Fund, were increased due to an understatement of the bond payment, and

WHEREAS, the revenues in Fund 592, Water Replacement Fund, were increased due to an understatement of billings, and the removal of the ARPA transfer, and

WHEREAS, the expenses in Fund 592, Water Replacement Fund, were increased due to consulting requirements for the Houghton Ave water main project that were not budgeted for and will be reimbursed for upon the closing of the DWSRF grant and an understatement of bond interest, and

WHEREAS, the revenues in Fund 661, Equipment Fund, were increased due to insurance proceeds received for repairs to a DPW truck damaged in an accident, and

WHEREAS, the expenses in Fund 661, Equipment Fund, were increased due to an understatement in wages, repairs, and health insurance, and

WHEREAS, the revenues in Fund 209, Cemetery Fund, were increased due to an understatement in the economic advancement transfer, grave openings, and sale of lots, and

WHEREAS, the expenses in Fund 209, Cemetery Fund, were increased due to an understatement in wages and equipment rental, and

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council hereby adopts the following budget amendments:

GL NUMBER	DESCRIPTION	2021-22 CURRENT BUDGET	2021-22 AMENDED BUDGET
Fund 101 - GENERAL FUND			

Revenues

Dept 000.000

101-000.000-401.000	TAXES CONTROL (MANDATORY)	0.00	0.00
101-000.000-403.400	CURRENT PROPERTY TAX GEN.OP.	911,489.00	911,489.00
101-000.000-404.400	CURRENT PROPERTY TAX REFUSE	182,384.00	190,008.00
	PERSONAL PROPERTY TAX LOSS		
101-000.000-408.400	REIMBURSEMENT	65,625.00	136,440.00
101-000.000-446.400	PENALTIES AND INTEREST CUR.TA	9,000.00	17,689.00
101-000.000-448.400	ADMINISTRATIVE FEES ON CUR.TA	33,272.00	33,272.00
101-000.000-477.400	CABLE TV FRANCHISE FEES	37,200.00	37,200.00
101-000.000-528.000	OTHER FEDERAL GRANTS	0.00	0.00
101-000.000-540.400	MDOT FEDERAL REVENUE	0.00	0.00
101-000.000-564.400	INDUSTRIAL PARK	1,000.00	1,000.00
101-000.000-574.400	SALES (STATUTORY)	28,908.00	28,908.00
101-000.000-575.400	REVENUE SHARING (CONSTITUTIONAL)	188,706.00	188,706.00
101-000.000-577.400	LIQUOR LICENSE	4,000.00	4,000.00
101-000.000-590.400	SEWER FUND ADMINISTRATION	50,000.00	50,000.00
101-000.000-590.401	SEWER COLLECTION ADMIN.	16,000.00	16,000.00
101-000.000-591.400	WATER FUND ADMINISTRATION	20,000.00	20,000.00
101-000.000-592.400	LOCAL STREET ADMIN. FEE	4,400.00	4,400.00
101-000.000-593.400	MAJOR STREET ADMIN. FEE	9,500.00	9,500.00
101-000.000-594.400	CEMETERY ADMIN. FEE	1,000.00	1,000.00
101-000.000-597.400	DDA ADMINISTRATIVE	2,400.00	2,400.00
101-000.000-634.400	GRANT	0.00	0.00
101-000.000-638.400	PROJECT INCOME	0.00	0.00
101-000.000-661.400	MOTOR VEHICLE FUND	12,000.00	12,000.00
101-000.000-664.400	INTEREST INCOME	1,000.00	1,000.00
101-000.000-672.400	VETERAN BANNER CONTRIBUTIONS	4,000.00	4,000.00
101-000.000-675.000	MISCELLANEOUS REVENUE	0.00	0.00
101-000.000-695.400	MISCELLANEOUS	14,000.00	5,200.00
101-000.000-695.405	REFUSE RECYCLING DONATIONS	7,000.00	7,000.00
Total Dept 000.000		1,602,884.00	1,673,588.00

Dept 301.000 - POLICE DEPARTMENT

101-301.000-528.000	OTHER FEDERAL GRANTS	0.00	0.00
101-301.000-578.400	IN-SERVICE TRAINING	700.00	700.00
101-301.000-634.400	GRANT	0.00	9,875.00
101-301.000-640.400	K-9 REVENUE	0.00	0.00
101-301.000-654.400	TRAFFIC BUREAU	2,000.00	12,600.00
101-301.000-655.400	ACCIDENT REPORTS	350.00	350.00
101-301.000-656.400	DISTRICT COURT FINES	4,500.00	4,500.00
101-301.000-674.000	CONTRIBUTIONS AND DONATIONS	3,000.00	3,000.00
101-301.000-693.400	NSF FEES	0.00	0.00

101-301.000-695.400	MISCELLANEOUS	250.00	250.00
101-301.000-695.401	MISC. ED. & TRAINING 302	650.00	650.00
101-301.000-695.407	FORFEITURE FUNDS	0.00	0.00
101-301.000-695.415	OTHER GOV'T UNITS	0.00	0.00
Total Dept 301.000 - POLICE DEPARTMENT		11,450.00	31,925.00
Dept 441.000 - PUBLIC WORKS DEPARTMENT			
101-441.000-634.401	GRANT - ECONOMIC ADVANCEMENT	0.00	0.00
101-441.000-673.400	DDA MAINTENANCE	8,000.00	8,000.00
101-441.000-695.400	MISCELLANEOUS	9,605.00	9,605.00
101-441.000-695.408	INSURANCE CLAIM INCOME	0.00	4,710.00
101-441.000-695.410	MDOT REVENUE	20,000.00	20,000.00
101-441.000-695.415	OTHER GOV'T UNITS	0.00	0.00
Total Dept 441.000 - PUBLIC WORKS DEPARTMENT		37,605.00	42,315.00
Dept 528.000 - SOLID WASTE			
101-528.000-634.400	GRANT	0.00	5,271.00
101-528.000-674.000	CONTRIBUTIONS AND DONATIONS	5,000.00	5,000.00
Total Dept 528.000 - SOLID WASTE		5,000.00	10,271.00
Dept 751.000 - PARKS AND RECREATION			
101-751.000-405.400	RENT REVENUE - 5120	500.00	500.00
101-751.000-409.400	VENDING MACHINES	900.00	900.00
101-751.000-634.400	GRANT	0.00	0.00
101-751.000-671.400	CONTRIBUTIONS	0.00	0.00
101-751.000-695.400	MISCELLANEOUS	0.00	5,000.00
Total Dept 751.000 - PARKS AND RECREATION		1,400.00	6,400.00
TOTAL REVENUES		1,659,089.00	1,772,873.00
Dept 172.000 - CITY MANAGER'S OFFICE			
101-172.000-702.700	PROMOTION/BONUS	50.00	50.00
101-172.000-703.700	SALARIES AND WAGES	73,950.00	73,950.00
101-172.000-708.700	SICK LEAVE PAYOUT	0.00	0.00
101-172.000-713.700	EMP. HEALTH OPTION	0.00	0.00
101-172.000-714.700	MANDATORY MEDICARE	1,080.00	1,080.00
101-172.000-715.700	SOCIAL SECURITY (EMPLOYER)	4,622.00	4,622.00
101-172.000-716.700	BC/BS HEALTH INSURANCE PREMIU	19,450.00	19,450.00
101-172.000-717.700	LIFE INSURANCE PREMIUM	205.00	205.00
101-172.000-718.700	MERS RETIREMENT (EMPLOYER)	9,200.00	23,000.00
101-172.000-718.701	EMPLOYER DEFERED COMP.	1,200.00	1,200.00
101-172.000-719.700	LONG TERM DISABILITY	660.00	660.00
101-172.000-720.700	WORKERS COMPENSATION PREMIUM	315.00	315.00

101-172.000-724.700	UNEMPLOYMENT INS. BENEFIT	8.00	8.00
101-172.000-727.700	OPERATING SUPPLIES	810.00	810.00
101-172.000-811.700	MEMBERSHIP AND DUES	1,100.00	1,100.00
101-172.000-853.700	TELEPHONE/RADIO COMMUNICATION	600.00	600.00
101-172.000-865.700	PROFESSIONAL DEVELOPMENT	5,500.00	5,500.00
101-172.000-941.700	EQUIPMENT RENTAL	1,000.00	1,000.00
101-172.000-956.700	EXPENSES	1,500.00	1,500.00
Total Dept 172.000 - CITY MANAGER'S OFFICE		121,250.00	135,050.00

Dept 215.000 - CITY CLERK

101-215.000-702.700	PROMOTION/BONUS	50.00	50.00
101-215.000-703.700	SALARIES AND WAGES	43,300.00	43,300.00
101-215.000-708.700	SICK LEAVE PAYOUT	0.00	0.00
101-215.000-713.700	EMP. HEALTH OPTION	0.00	0.00
101-215.000-714.700	MANDATORY MEDICARE	632.00	632.00
101-215.000-715.700	SOCIAL SECURITY (EMPLOYER)	2,706.00	2,706.00
101-215.000-716.700	BC/BS HEALTH INSURANCE PREMIUM	15,070.00	15,070.00
101-215.000-717.700	LIFE INSURANCE PREMIUM	155.00	155.00
101-215.000-718.700	MERS RETIREMENT (EMPLOYER)	750.00	7,900.00
101-215.000-718.701	EMPLOYER DEFERED COMP.	575.00	575.00
101-215.000-719.700	LONG TERM DISABILITY	1,005.00	1,005.00
101-215.000-720.700	WORKERS COMPENSATION PREMIUM	186.00	186.00
101-215.000-724.700	UNEMPLOYMENT INS. BENEFIT	10.00	10.00
101-215.000-727.700	OPERATING SUPPLIES	500.00	500.00
101-215.000-811.700	MEMBERSHIP AND DUES	60.00	60.00
101-215.000-853.700	TELEPHONE/RADIO COMMUNICATIONS	600.00	600.00
101-215.000-865.700	PROFESSIONAL DEVELOPMENT	1,000.00	1,000.00
101-215.000-956.700	EXPENSES	250.00	250.00
Total Dept 215.000 - CITY CLERK		66,849.00	73,999.00

Dept 253.000 - CITY TREASURER

101-253.000-702.700	PROMOTION/BONUS	50.00	50.00
101-253.000-703.700	SALARIES AND WAGES	51,000.00	51,000.00
101-253.000-708.700	SICK LEAVE PAYOUT	0.00	0.00
101-253.000-713.700	EMP. HEALTH OPTION	0.00	0.00
101-253.000-714.700	MANDATORY MEDICARE	745.00	745.00
101-253.000-715.700	SOCIAL SECURITY (EMPLOYER)	3,188.00	3,188.00
101-253.000-716.700	BC/BS HEALTH INSURANCE PREMIUM	6,000.00	6,000.00
101-253.000-717.700	LIFE INSURANCE PREMIUM	155.00	155.00
101-253.000-718.700	MERS RETIREMENT (EMPLOYER)	950.00	8,000.00
101-253.000-718.701	EMPLOYER DEFERED COMP.	1,200.00	1,200.00
101-253.000-719.700	LONG TERM DISABILITY	1,005.00	1,005.00
101-253.000-720.700	WORKERS COMPENSATION PREMIUM	219.00	219.00

101-253.000-724.700	UNEMPLOYMENT INS. BENEFIT	10.00	10.00
101-253.000-727.700	OPERATING SUPPLIES	500.00	500.00
101-253.000-803.700	AUDIT	32,383.00	32,383.00
101-253.000-811.700	MEMBERSHIP AND DUES	75.00	75.00
101-253.000-853.700	TELEPHONE/RADIO COMMUNICATIONS	660.00	660.00
101-253.000-865.700	PROFESSIONAL DEVELOPMENT	940.00	940.00
101-253.000-956.700	EXPENSES	250.00	250.00
101-253.000-956.800	BANKING FEES	775.00	775.00
101-253.000-977.700	CAPITAL ACQUISITIONS	0.00	0.00
Total Dept 253.000 - CITY TREASURER		100,105.00	107,155.00

Dept 301.000 - POLICE DEPARTMENT

101-301.000-702.700	PROMOTION/BONUS	300.00	300.00
101-301.000-703.700	SALARIES AND WAGES	241,619.00	241,619.00
101-301.000-705.700	CHIEF OF POLICE	66,085.00	66,085.00
101-301.000-706.700	COMMUNITY POLICING	100.00	100.00
101-301.000-708.700	SICK LEAVE PAYOUT	250.00	250.00
101-301.000-710.700	OVERTIME	10,200.00	10,200.00
101-301.000-713.700	EMP. HEALTH OPTION	3,000.00	3,000.00
101-301.000-714.700	MANDATORY MEDICARE	4,500.00	4,500.00
101-301.000-715.700	SOCIAL SECURITY (EMPLOYER)	19,078.00	19,078.00
101-301.000-716.700	BC/BS HEALTH INSURANCE PREMIU	35,230.00	35,230.00
101-301.000-717.700	LIFE INSURANCE PREMIUM	1,105.00	1,105.00
101-301.000-718.700	MERS RETIREMENT (EMPLOYER)	50,837.00	71,000.00
101-301.000-718.701	EMPLOYER DEFERED COMP.	7,500.00	7,500.00
101-301.000-719.700	LONG TERM DISABILITY	2,300.00	2,300.00
101-301.000-720.700	WORKERS COMPENSATION PREMIUM	8,359.00	8,359.00
101-301.000-724.700	UNEMPLOYMENT INS. BENEFIT	325.00	325.00
101-301.000-727.700	OPERATING SUPPLIES	3,705.00	3,705.00
101-301.000-801.700	CONTRACTUAL SERVICES	8,800.00	8,800.00
101-301.000-811.700	MEMBERSHIP AND DUES	680.00	680.00
101-301.000-817.700	UNIFORMS	4,500.00	4,500.00
101-301.000-853.700	TELEPHONE/RADIO COMMUNICATION	5,000.00	5,000.00
101-301.000-941.700	EQUIPMENT RENTAL	9,500.00	9,500.00
101-301.000-955.700	DATA PROCESSING	4,745.00	4,745.00
101-301.000-956.700	EXPENSES	1,045.00	1,045.00
101-301.000-956.702	YOUTH SAFETY EXPENSE	605.00	605.00
101-301.000-956.703	K-9 EXPENSES	100.00	100.00
101-301.000-956.707	FORFEITURE EXPENSE	400.00	400.00
101-301.000-957.700	EDUCATION AND TRAINING LOCAL	5,000.00	5,000.00
101-301.000-957.701	EDUCATION 302	395.00	395.00
101-301.000-968.700	STING	3,000.00	3,000.00
101-301.000-977.700	CAPITAL ACQUISITIONS	0.00	0.00

Total Dept 301.000 - POLICE DEPARTMENT	498,263.00	518,426.00
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Dept 441.000 - PUBLIC WORKS DEPARTMENT

101-441.000-702.700	PROMOTION/BONUS	250.00	250.00
101-441.000-703.700	SALARIES AND WAGES	64,480.00	64,480.00
101-441.000-708.700	SICK LEAVE PAYOUT	180.00	180.00
101-441.000-710.700	OVERTIME	1,700.00	1,700.00
101-441.000-713.700	EMP. HEALTH OPTION	580.00	580.00
101-441.000-714.700	MANDATORY MEDICARE	974.00	974.00
101-441.000-715.700	SOCIAL SECURITY (EMPLOYER)	4,129.00	4,129.00
101-441.000-716.700	BC/BS HEALTH INSURANCE PREMIU	15,132.00	15,132.00
101-441.000-717.700	LIFE INSURANCE PREMIUM	567.00	567.00
101-441.000-718.700	MERS RETIREMENT (EMPLOYER)	51,476.00	71,000.00
101-441.000-718.701	EMPLOYER DEFERED COMP.	4,200.00	4,200.00
101-441.000-719.700	LONG TERM DISABILITY	1,789.00	1,789.00
101-441.000-720.700	WORKERS COMPENSATION PREMIUM	2,475.00	2,475.00
101-441.000-724.700	UNEMPLOYMENT INS. BENEFIT	10.00	10.00
101-441.000-727.700	OPERATING SUPPLIES	7,360.00	7,360.00
101-441.000-801.700	CONTRACTUAL SERVICES	910.00	910.00
101-441.000-801.701	INFRASTRUCTURE PROJECT	0.00	0.00
101-441.000-817.700	UNIFORMS	2,800.00	2,800.00
101-441.000-853.700	TELEPHONE/RADIO COMMUNICATION	5,650.00	5,650.00
101-441.000-865.700	PROFESSIONAL DEVELOPMENT	2,440.00	2,440.00
101-441.000-941.700	EQUIPMENT RENTAL	12,000.00	12,000.00
101-441.000-956.700	EXPENSES	600.00	600.00
101-441.000-956.708	INSURANCE CLAIM EXPENSE	0.00	33,062.00

Total Dept 441.000 - PUBLIC WORKS DEPARTMENT	179,702.00	232,288.00
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Dept 751.000 - PARKS AND RECREATION

101-751.000-703.700	SALARIES AND WAGES	27,000.00	27,000.00
101-751.000-710.700	OVERTIME	3,000.00	3,000.00
101-751.000-714.700	MANDATORY MEDICARE	437.00	437.00
101-751.000-715.700	SOCIAL SECURITY (EMPLOYER)	1,850.00	1,850.00
101-751.000-716.700	BC/BS HEALTH INSURANCE PREMIUM	3,975.00	3,975.00
101-751.000-718.700	MERS RETIREMENT (EMPLOYER)	450.00	450.00
101-751.000-720.700	WORKERS COMPENSATION PREMIUM	875.00	875.00
101-751.000-724.700	UNEMPLOYMENT INS. BENEFIT	5.00	5.00
101-751.000-727.700	OPERATING SUPPLIES	5,000.00	7,860.00
101-751.000-801.700	CONTRACTUAL SERVICES	271.00	22,271.00
101-751.000-922.700	PUBLIC UTILITIES	6,845.00	6,845.00
101-751.000-933.700	PLAYGROUND EQUIPMENT MAIN.	3,000.00	3,000.00
101-751.000-941.700	EQUIPMENT RENTAL	12,000.00	12,000.00
101-751.000-956.700	EXPENSES	0.00	0.00

Total Dept 751.000 - PARKS AND RECREATION	64,708.00	89,568.00
TOTAL EXPENDITURES	1,668,937.00	1,794,546.00

Fund 101: GENERAL FUND

TOTAL REVENUES	1,659,089.00	1,772,873.00
TOTAL EXPENDITURES	1,668,937.00	1,794,546.00
NET OF REVENUES & EXPENDITURES	(9,848.00)	(21,673.00)
FUND BALANCE	445,418.00	423,745.00

Fund 276 - HOUSING RESOURCE FUND

Dept 000.000

276-000.000-801.700	CONTRACTUAL SERVICES	0.00	9,405.00
276-000.000-956.700	EXPENSES	0.00	30.00
Total Dept 000.000		0.00	9,435.00

Fund 276 - HOUSING RESOURCE FUND:

TOTAL REVENUES	19,140.00	19,140.00
TOTAL EXPENDITURES	0.00	9,405.00
NET OF REVENUES & EXPENDITURES	19,140.00	9,735.00
FUND BALANCE	178,137.00	187,872.00

Fund 318 - SEWER DEBT FUND

Revenues

Dept 000.000

318-000.000-625.400	BILLINGS	327,776.00	344,753.00
318-000.000-626.400	PENALTIES	500.00	500.00
318-000.000-664.400	INTEREST INCOME	100.00	100.00
Total Dept 000.000		328,376.00	345,353.00

TOTAL REVENUES	328,376.00	345,353.00
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Expenditures

Dept 000.000

318-000.000-802.700	CONTRIBUTION EXPENSE	0.00	0.00
318-000.000-994.700	BOND	155,435.00	168,454.00
318-000.000-995.700	INTEREST DUE ON BONDS	170,165.00	170,165.00
318-000.000-999.700	TRANSFER TO OTHER ACCOUNTS	0.00	0.00
Total Dept 000.000		325,600.00	338,619.00

TOTAL EXPENDITURES	325,600.00	338,619.00
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Fund 318 - SEWER DEBT FUND:

TOTAL REVENUES	328,376.00	345,353.00
TOTAL EXPENDITURES	325,600.00	338,619.00
NET OF REVENUES & EXPENDITURES	2,776.00	6,734.00
FUND BALANCE	1,602,956	1,609,690.00

Fund 592 - WATER REPLACEMENT FUND

Revenues

Dept 000.000

592-000.000-664.400	INTEREST INCOME	0.00	0.00
592-000.000-675.400	TRANSFER FROM WATER FUND	200,000.00	200,000.00
592-000.000-675.401	TRANSFER OF ARPA FUNDS	52,345.00	0.00
Total Dept 000.000		252,345.00	200,000.00

TOTAL REVENUES	252,345.00	200,000.00
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Expenditures

Dept 000.000

592-000.000-801.700	CONTRACTUAL SERVICES	221,000.00	257,293.00
592-000.000-994.700	BOND	20,260.00	20,342.00
592-000.000-995.700	INTEREST DUE ON BONDS	5,740.00	5,740.00
Total Dept 000.000		247,000.00	283,375.00

TOTAL EXPENDITURES	247,000.00	283,375.00
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Fund 592 - WATER REPLACEMENT FUND:

TOTAL REVENUES	252,345.00	200,000.00
TOTAL EXPENDITURES	247,000.00	283,375.00
NET OF REVENUES & EXPENDITURES	5,345.00	(83,375.00)
FUND BALANCE	628,881.00	545,506.00

Fund 209 - CEMETERY FUND

Revenues

Dept 000.000

209-000.000-610.400	TRANS FROM ECON. ADVANCE. 204	16,411.00	20,560.00
209-000.000-628.400	FOUNDATIONS	750.00	750.00
209-000.000-629.400	GRAVE OPENINGS	6,000.00	7,000.00
209-000.000-642.400	SALES OF LOTS	1,500.00	4,340.00
209-000.000-664.400	INTEREST INCOME	2,500.00	2,500.00

209-000.000-695.400	MISCELLANEOUS	0.00	0.00
Total Dept 000.000		27,161.00	35,150.00
TOTAL REVENUES		27,161.00	35,150.00
Expenditures			
Dept 000.000			
209-000.000-703.700	SALARIES AND WAGES	11,000.00	14,000.00
209-000.000-710.700	OVERTIME	300.00	520.00
209-000.000-714.700	MANDATORY MEDICARE	164.00	200.00
209-000.000-715.700	SOCIAL SECURITY (EMPLOYER)	696.00	835.00
209-000.000-716.700	BC/BS HEALTH INSURANCE PREMIUM	4,605.00	4,605.00
209-000.000-718.700	MERS RETIREMENT (EMPLOYER)	150.00	200.00
209-000.000-720.700	WORKERS COMPENSATION PREMIUM	390.00	435.00
209-000.000-724.700	UNEMPLOYMENT INS. BENEFIT	5.00	5.00
209-000.000-727.700	OPERATING SUPPLIES	250.00	250.00
209-000.000-782.700	ADMINISTRATION	1,000.00	1,000.00
209-000.000-801.700	CONTRACTUAL SERVICES	0.00	0.00
209-000.000-922.700	PUBLIC UTILITIES	300.00	300.00
209-000.000-941.700	EQUIPMENT RENTAL	8,000.00	12,500.00
209-000.000-956.700	EXPENSES	300.00	300.00
Total Dept 000.000		27,160.00	35,150.00
TOTAL EXPENDITURES		27,160.00	35,150.00
Fund 209 - CEMETERY FUND:			
TOTAL REVENUES		27,161.00	35,150.00
TOTAL EXPENDITURES		27,160.00	35,150.00
NET OF REVENUES & EXPENDITURES		1.00	0.00
FUND BALANCE		875.00	875.00
Fund 661 - EQUIPMENT FUND			
Revenues			
Dept 000.000			
661-000.000-601.400	WATER FUND EQUIPMENT RENTAL	25,000.00	25,000.00
661-000.000-602.400	SEWER FUND EQUIPMENT RENTAL	11,800.00	11,800.00
661-000.000-602.402	SEWER COLLECITON EQUIP. RENT	11,500.00	11,500.00
661-000.000-603.400	LOCAL STREET EQUIPMENT RENTAL	20,950.00	20,950.00
661-000.000-604.400	MAJOR STREET EQUIPMENT RENTAL	26,300.00	26,300.00
661-000.000-607.400	CEMETERY EQUIPMENT RENTAL	7,500.00	7,500.00
661-000.000-608.400	INDUSTRIAL PARK EQUIP. RENTAL	2,300.00	2,300.00
661-000.000-609.400	TRUNKLINE EQUIPMENT RENTAL	23,010.00	23,010.00

661-000.000-613.400	DDA EQUIP. RENTAL	0.00	0.00
661-000.000-614.400	GENERAL FUND EQUIP. RENTAL	57,200.00	57,200.00
661-000.000-634.400	GRANT	29,150.00	29,150.00
661-000.000-664.400	INTEREST INCOME	600.00	600.00
661-000.000-673.000	SALE OF FIXED ASSETS	1,500.00	1,500.00
661-000.000-695.400	MISCELLANEOUS	0.00	9,550.00
Total Dept 000.000		216,810.00	226,360.00
TOTAL REVENUES		216,810.00	226,360.00
Expenditures			
Dept 000.000			
661-000.000-703.700	SALARIES AND WAGES	14,500.00	16,000.00
661-000.000-710.700	OVERTIME	0.00	0.00
661-000.000-714.700	MANDATORY MEDICARE	210.00	210.00
661-000.000-715.700	SOCIAL SECURITY (EMPLOYER)	900.00	900.00
661-000.000-716.700	BC/BS HEALTH INSURANCE PREMIUM	1,590.00	1,800.00
661-000.000-718.700	MERS RETIREMENT (EMPLOYER)	160.00	160.00
661-000.000-720.700	WORKERS COMPENSATION PREMIUM	475.00	475.00
661-000.000-724.700	UNEMPLOYMENT INS. BENEFIT	5.00	5.00
661-000.000-782.700	ADMINISTRATION	12,000.00	12,000.00
661-000.000-801.700	CONTRACTUAL SERVICES	0.00	0.00
661-000.000-805.700	REPAIR/PARTS	27,403.00	30,000.00
661-000.000-806.700	REPAIR/PARTS POLICE	1,982.00	3,000.00
661-000.000-818.700	INS. PREMIUM - LIABILITY	22,885.00	22,885.00
661-000.000-856.700	FUEL	29,615.00	29,615.00
661-000.000-868.700	FLUIDS	0.00	0.00
661-000.000-956.700	EXPENSES	60.00	60.00
661-000.000-966.700	DEPRECIATION	37,022.00	37,022.00
661-000.000-966.701	DEP.EXP. PUBLIC SAFETY	5,080.00	5,080.00
661-000.000-977.700	CAPITAL ACQUISITIONS	127,088.00	127,088.00
661-000.000-992.000	INTEREST EXPENSE	0.00	0.00
661-000.000-994.700	BOND	41,000.00	41,000.00
661-000.000-995.700	INTEREST DUE ON BONDS	4,010.00	4,010.00
Total Dept 000.000		325,985.00	331,310.00
TOTAL EXPENDITURES		325,985.00	331,310.00
Fund 661 - EQUIPMENT FUND:			
TOTAL REVENUES		216,810.00	226,360.00
TOTAL EXPENDITURES		325,985.00	331,310.00
NET OF REVENUES & EXPENDITURES		(109,175.00)	(104,950.00)
FUND BALANCE		460,415.00	355,465.00

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

No – None

Absent – None

Motion carried

* * * * *

MOTION BY JACKSON, SECOND BY SHOWALTER, TO APPROVE THE INTRODUCTION OF ORDINANCE 22-02 ORV ORDINANCE.

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

No – None

Absent – None

Motion carried

* * * * *

MOTION BY FRECHETTE, SECOND BY BENNETT, TO APPROVE THE INTRODUCTION OF ORDINANCE 22-03 OFFENSES.

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

No – None

Absent – None

Motion carried

* * * * *

MOTION BY BENNETT, SECOND BY ZIMMERMAN, TO APPROVE THE EXTENSION OF THE NOISE ORDINANCE TO 6:00 AM THROUGH 9:00 PM FOR THE STATE STREET ROAD PROJECT TO ALLOW THE MDOT CONTRACTORS TO LAY THE ASPHALT WITHOUT CREATING ANY SEAMS.

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

No – None

Absent – None

Motion carried

* * * * *

MOTION BY SHOWALTER, SECOND BY PUGH, TO APPROVE THE PERFORMANCE RESOLUTION FOR MUNICIPALITIES UPDATE ADDING ROBERT ROMPS AND LORI ANN CLOVER.

**PERFORMANCE RESOLUTION FOR
MUNICIPALITIES**

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or

an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the _____ City of _____
(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of

Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY. Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.

3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.

4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees

thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7. The incorporation by the DEPARTMENT of this *Resolution* as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

8. This *Resolution* shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

Title and/or Name:

John Dantzer, City Manager
Michelle Frechette, City Treasurer
Lori Ann Clover, City Clerk
Rob Romps, Office Assistant

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

No — None

Absent — None

Motion carried

* * * * *

MOTION BY ADIAR, SECOND BY BENNETT, TO APPROVE THE SPECIAL EVENT PERMITS FOR CLASSY CHASSIS AND 2022 OGEMAW COUNTY BUSINESS AND COMMUNITY EXPO AS SUBMITTED.

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

No — None

Absent — None

Motion carried

* * * * *

MOTION BY SHOWALTER, SECOND BY PUGH, TO APPROVE THE USE OF THE OLD STATE POLICE POST AS A CENTRALIZED VETERANS LOCATION HAVING MANAGER DANTZER WRITE UP A LEASE INCLUDING THE FOLLOWING:

1. The City leases the building to the Alliance for no cost allowing the building to stay in the possession of the City which will allow it to remain tax exempt and allow the City to maintain the insurance on the building itself. This insurance would cover damage to the building structure itself for such things as fire, wind, water leaks, etc. The lease would state that at any time the Alliance no longer exists or has a use for the building, then the lease becomes null and void and the building returns to the control of the City. The City will be

responsible for the drawing up of the lease and any recording of the lease that may be required.

2. The Alliance provides their own liability insurance and renters insurance on their property they put into the building. The liability insurance would cover any of the workers or customers that may get injured from such things as trips, slips, falls, etc. The renter's insurance would cover equipment they own such as desks, copiers, computers, etc. The Alliance must provide a copy of their active insurance to the City at all times.
3. The Alliance is responsible for any remodeling, improvements, upkeep, and maintenance while they are using it. Maintenance would include mowing/trimming of the lawn as well as snow/ice removal from any walkways.
4. The City will be responsible for the plowing of the parking lot area.
5. The Alliance pays all utilities including water, sewer, electric, gas, etc.

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

No – None

Absent – None

Motion carried

* * * * *

MOTION BY BENNETT, SECOND BY ZIMMERMAN, TO LEAVE THE FLAG POLE AT THE OLD STATE POLICE POST BUILDING FOR THE VETERANS ALLIANCE TO USE.

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

No – None

Absent – None

Motion carried

* * * * *

MOTION BY SHOWALTER, SECOND BY JACKSON, TO APPROVE THE MINUTES WITH THE CORRECTION OF EXCUSING MEMBER BENNETT, NOT ADAIR, AND SUMMARY FROM THE MEETING HELD JUNE 6, 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 WEST BRANCH POLICE DEPARTMENT MAY 2022 MONTH END REPORT; APPROVE THE MINUTES FROM THE WWTPA MEETING HELD MARCH 15, 2022 AND THE SPECIAL MEETING HELD MAY 25, 2022; AND THE MINUTES FROM THE AIRPORT BOARD MEETING HELD MAY 18, 2022.

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

No – None

Absent – None

Motion carried

* * * * *

MOTION BY BENNETT, SECOND BY ZIMMERMAN, TO APPROVE THE RESERVATION OF ONE OF THE MARIHUANA LICENSES FOR RICK DAVENPORT TO USE IN THE REMODEL OF THE OLD BICYCLE SHOP. HE IS CURRENTLY SEEKING INVESTORS AND ANTICIPATES HAVING A FINAL APPLICATION WITHIN SIX MONTHS.

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

No – None

Absent – None

Motion carried

* * * * *

Mayor Frechette stated that Rock the Block and the Fly In was well attended and well received by the public.

Member Bennett stated that the tennis courts looked awesome and noted Northern Seal Coating did a very nice job.

Member Zimmerman thanked Sandy Rabidue and those that assisted for their work on the flowers downtown and noted they are beautiful.

Member Adair asked if the AVCMH workers would keep working the recycling after July 1st. Manager Dantzer reported that yes, they would continue to work on the Tuesday and Saturday schedule for those that may need assistance and to keep things clean at the receptacles.

Officer Brandon Bicolli reported that the canine officer is doing well.

Mayor Frechette adjourned the meeting at 6:36 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, JUNE 20, 2022.

Mayor Frechette called the meeting to order at 6:01 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 City Attorney Greg Meihn.

All stood for the Pledge of Allegiance.

Additions to the agenda were J. Veteran's Alliance under X. New Business.

Council approved bills in the amount of \$63,341.13.

Council approved rescheduling the next meeting to July 5, 2022 at 6:00 pm.

Council approved Resolution 22-16 budget amendments for fiscal year 2022.

Council approved the introduction of Ordinance 22-02 ORV Ordinance.

Council approved the introduction of Ordinance 22-03 Offenses.

Council approved extension of the noise ordinance to 6:00 am through 9:00 pm for the state street road project to allow the MDOT contractors to lay the asphalt without creating any seams.

Council approved the Performance Resolution for Municipalities update adding Robert Romps and Lori Ann Clover.

Council approved the special event permits for Classy Chassis and 2022 Ogemaw County Business and Community Expo.

Council approved the use of the old State Police Post as a centralized Veterans location having Manager Dantzer write up a lease.

Council approved leaving the flag pole at the old State Police Post building for the Veterans Alliance to use.

Council approved the minutes with the correction of excusing Member Bennett, not Adair, and summary from the meeting held June 6, 2022.

Council approved the treasurer's report and investment summary; the West Branch Police Department May 2022 month end report; minutes from the WWTPA meeting held March 15, 2022 and the special meeting held May 25, 2022; and the minutes from the Airport Board meeting held May 18, 2022.

Council approved the reservation of one of the marijuana licenses for Rick Davenport to use in the remodel of the old bicycle shop.

Mayor Frechette, Council Members Bennett, Zimmerman, and Adair gave reports.

Officer Brandon Bicolli reported that the canine officer is doing well.

Mayor Frechette adjourned the meeting at 6:36 pm.

Ogemaw Fire Department
Board meeting of January 25, 2022

Present: Denis Stephens
 Gerald Lehman
 Jim Morris
 Ron Taylor

**Motion by Morris supported by Taylor to appoint Denis Stephens as
Chairman. All: Ayes**

**Motion by Taylor supported by Stephens to appoint Jim Morris as vice-chairman
All: Ayes**

Stephens appointed Todd Thompson as secretary-treasurer

**Motion by Taylor supported by Morris to appoint Brent Banning as fire chief.
All: Ayes**

**Motion by Morris supported by Stephens to approve Minutes of 12-21-2021
All: Ayes**

**Motion by Morris supported by Taylor to approve 2022 budget with revenue of
\$232,070.00 and expenditures of \$189,116.00 All: Ayes**

**Motion by Morris supported by Lehman to pay \$10.00 per fire run report to Robert Dack
And \$10.00 to Sean Berry per state report submitted All: Ayes**

**Motion by Taylor supported by Morris to pay bills for October thru December All: Ayes
Adjourned at 5:38**

REGULAR MEETING OF THE WEST BRANCH DOWNTOWN DEVELOPMENT AUTHORITY
HELD AT THE WEST BRANCH CITY HALL, 121 N. FOURTH ST. WEST BRANCH, MI ON
TUESDAY, MAY 24, 2022.

The meeting was called to order by Chairperson Samantha Fabbri at 12:00.

Present: Joanne Bennett, Joe Clark, Samantha Fabbri, Ken Walters, and Cathy Zimmerman.

Absent: Anthony Bair, Autum Hunter, Sandy Rabidue, and Erin Resteiner.

Others in attendance: City Manager John Dantzer

* * * * *

**MOTION BY BENNETT, SECOND BY FABBRI, TO APPROVE THE MINUTES FROM
THE MEETING HELD APRIL 26, 2022**

Yes – Bennett, Clark, Fabbri, Walters, and Zimmerman.

No – None

Absent – Bair, Hunter, Rabidue, and Resteiner

Motion carried.

* * * * *

**MOTION BY CLARK, SECOND BY BENNETT, TO PAY BILLS IN THE AMOUNT OF
\$235.83.**

Yes – Bennett, Clark, Fabbri, Walters, and Zimmerman.

No – None

Absent – Bair, Hunter, Rabidue, and Resteiner

Motion carried.

* * * * *

**MOTION BY FABBRI, SECOND BY BENNETT, TO RECOMMEND THE
REAPPOINTMENTS OF MEMBERS CLARK AND RESTEINER TO SERVE AN
ADDITIONAL FOUR-YEAR TERM TO EXPIRE 1/1/26**

Yes – Bennett, Clark, Fabbri, Walters, and Zimmerman.

No – None

Absent – Bair, Hunter, Rabidue, and Resteiner

Motion carried.

* * * * *

**MOTION BY FABBRI, SECOND BY BENNETT, TO EXCUSE MEMBERS BAIR,
HUNTER, RABIDUE, AND RESTEINER.**

Yes – Bennett, Clark, Fabbri, Walters, and Zimmerman.

No – None

Absent – Bair, Hunter, Rabidue, and Resteiner

Motion carried.

* * * * *

Member Zimmerman left at 12:13 which created a lack of quorum at that time.

* * * * *

The Board discussed the Gathering Place and potential changes to the design to help save money due to the rising cost of the project. It was the consensus of the Board to relook at the design and bring it back to the board at the next meeting for discussion

The Board discussed the Showmobile application and if they should have separate prices for rental if the event was sponsored by the Chamber of Commerce or Retail Merchants.

The Board discussed the planting of the flowers and noted they may need to look into another annual cleanup day.

* * * * *

The meeting was adjourned at 12:53 pm.

The West Branch Community Airport Board met on this date in the Conference Room, West Branch Community Airport Terminal, West Branch, Michigan, as well as remotely via Zoom. The meeting was called to order at 12:20 p.m. by Chairman Terry Hodges.

Present: Terry Hodges, Mike Jackson, Paul Frechette, Breck Gildner, John Dantzer, Brad Neubecker and Craig Scott. Also, in attendance were W.B. Airport Manager Ben Evergreen, Ogemaw County Administrator Tim Dolehanty, Ogemaw County Sheriff Brian Gilbert, Horton Township Trustee Erma Lurvey and Ben Hoover from Mead & Hunt.

Motion by Neubecker, second by Gildner, the meeting minutes of the May 15, 2022 meeting be approved. Voice vote. Ayes – all. Motion carried. [6-1-#1]

Motion by Jackson, second by Neubecker, claims in the amount of \$8,556.08 be approved for payment. Voice vote. Ayes – all. Motion carried. [6-1-#2]

Ben gave the financial report, with a combined account balance is \$207,785.08.

Ben Hoover from Mead & Hunt addressed the board regarding new federal regulations regarding grant applications, as well as an update on current and future airport projects. He also gave an overview of what the design phase for the runway resurfacing would entail, along with a rough timeline.

Discussion was held regarding the Manager's contract. County Administrator Tim Dolehanty addressed the board, covering what a contract with the Airport, City and County would entail, in regards to the Airport Manager being placed on the County payroll. The board agreed to have the County attorney construct a tentative contract, for the board to review at the July meeting.

Discussion was held regarding the consultant selection process. The bid is open until July 22nd. The selection committee will schedule a future meeting at the July board meeting.

Ben provided an update on the Enbridge proposal for a solar farm. Enbridge will review various sites on the Airport property. We have not yet received a formal proposal.

An estimate was given by a contractor for the repair and/or replacement of the roof on the large hangar. A caulk and seam repair would be \$1593, while a full replacement would be \$27,679. A formal bid request will be advertised.

Ben also received an estimate for a lighting upgrade for the terminal building, as well as the workshop hangar. The terminal would cost \$3,389, and the workshop \$566. This would replace the existing lights with LED lighting.

Ben reminded the board of the upcoming Fly-In, on June 18th, with a favorable forecast, a large turnout is expected.

No further business remaining, Chairman Hodges adjourned the meeting at 1:25 p.m.

Minutes by Michael Jackson, Board Secretary

**CITY OF WEST BRANCH
CITY COUNCIL MEETING
JULY 5, 2022**

PLEASE TAKE NOTICE that the West Branch City Council meeting scheduled for Monday, July 5, 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:

Topic: West Branch City Council Zoom Meeting

Time: Jul 5, 2022 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

https://us02web.zoom.us/j/86220448515?pwd=tcCwq4Pz2bW3QoqOlgv8_4_1byfm8.1

Meeting ID: 862 2044 8515

Passcode: 468147

One tap mobile

+13126266799,,86220448515#,,,,*468147# US (Chicago)

+16465588656,,86220448515#,,,,*468147# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 646 931 3860 US

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+1 346 248 7799 US (Houston)

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+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: 862 2044 8515

Passcode: 468147

Find your local number: https://us02web.zoom.us/j/86220448515?pwd=tcCwq4Pz2bW3QoqOlgv8_4_1byfm8.1