

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD VIA VIDEO CONFERENCE IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET ON MONDAY, JANUARY 4, 2021.

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

Clerk Stang swore Council Member Tiffany Schmieder-Kups into office.

Present: Mayor Paul Frechette, Council Members Cathy Zimmerman and Tiffany Schmieder-Kups. Council Members Joanne Bennett in West Branch, Mike Jackson in West Branch, Chris Powley in West Branch and Ellen Pugh in Athens joined via Zoom.

Absent: None

Other officers present: City Manager John Dantzer, City Clerk Amanda Stang, City Treasurer Michelle Frechette and DPW Superintendent Mike Killackey.

All stood for the Pledge of Allegiance and a moment of silence for the lives lost in 2020.

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MOTION BY ZIMMERMAN, SECOND BY BENNETT, TO APPROVE THE PAYMENT OF BILLS IN THE AMOUNT OF \$52,995.92.

Yes — Bennett, Frechette, Powley, Pugh, Schmieder-Kups, Zimmerman

No – None

Absent – None

Motion carried

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Member Chris Powley left the Zoom meeting due to technical difficulties.

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MOTION BY FRECHETTE, SECOND BY ZIMMERMAN, TO APPROVE RESOLUTION #21-01 DESIGNATE TIME AND PLACE OF MEETINGS.

Resolution #21-01

WHEREAS, the West Branch City Charter requires that the Council adopt a resolution stating the time and place of its regular meetings, and

WHEREAS, it is recommended that this be done on an annual basis,

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council will hold its regular meetings in the Council Chamber of City Hall, 121 N. Fourth St. unless there is a motion to change the meeting location due to special circumstances, and

FURTHER BE IT RESOLVED, that all regular Council meetings of 2021 will begin at 6:00 p.m. unless there is a motion to change the meeting time due to special circumstances, and

FURTHER BE IT RESOLVED, that the West Branch City Council shall meet on the 1st and 3rd Monday of each month unless there is a motion to change the meeting date due to special circumstances.

Yes — Bennett, Frechette, Jackson, Pugh, Schmieder-Kups, Zimmerman

No – None

Absent – None

Motion carried

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Member Chris Powley returned to the meeting via Zoom.

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MOTION BY JACKSON, SECOND BY PUGH, TO APPROVE RESOLUTION #21-02 NAME STREET ADMINISTRATOR.

Resolution # 21-02

Whereas, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, “the responsibility for street improvements, maintenance, and traffic operations work, and the development , construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for all shall represent the municipality in transactions with the State Transportation Department pursuant to this act.”

Now, therefore, be it resolved the Honorable Body designate John Dantzer as the single Street Administrator for the City of West Branch for the calendar year of 2021 in all transactions with the State Transportation Department as provided in Section 13 of the Act.

Yes — Bennett, Frechette, Jackson, Powley, Pugh, Schmieder-Kups, Zimmerman

No – None

Absent – None

Motion carried

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MOTION BY JACKSON, SECOND BY POWLEY, TO APPROVE RESOLUTION #21-03 ADOPT FEE SCHEDULE.

RESOLUTION #21-03

WHEREAS, the City of West Branch levies fees to fund City operations, and

WHEREAS, to levy such fees, the City of West Branch Council must approve fees to be levied; and

NOW, THEREFORE, BE IT RESOLVED, that the West Branch adopts the following fees,

WATER/SEWER

hang 24 shut off hour notice	\$25
turn on/off during normal hours scheduled	\$15/ea
turn on/off after normal hours	\$100/ea
Sewer tap fee residential 6" or less	\$950
Water tap fee residential 3/4"	\$950
Water tap 4" or less fire suppression	\$2,000
Water tap larger than 4" fire suppression	\$3,000
Water ready to serve 3/4"	\$9.95
Water ready to serve 1"	\$17.69
Water ready to serve 1-1/2"	\$39.80
Water ready to serve 2"	\$70.76
Water ready to serve 3"	\$159.20
Water ready to serve 4"	\$283.02
Water per 1,000 gallons	\$5.23
Water debt per 1,000 gallons	\$1.30
Sewer ready to serve 3/4"	\$4.80
Sewer ready to serve 1"	\$8.54
Sewer ready to serve 1-1/2"	\$19.20
Sewer ready to serve 2"	\$34.14
Sewer ready to serve 3"	\$76.82
Sewer ready to serve 4"	\$136.56
Sewer per 1,000 gallons	\$4.98
Sewer collections per 1,000 gallons	\$1.52
Sewer debt per 1,000 gallons	\$6.26
Bulk water purchase per 1,000 gallons	\$10.41
Sprinkling meter used (includes tailpieces)	\$65.00
Sprinkling meter new (includes tailpieces)	\$162.00
Sprinkling meter new with cellular read	\$269.00

CEMETERY

Grave opening cremains	\$250
Grave opening full burial	\$500
Cemetery foundation by others	\$50

Cemetery foundation 20" X 32"	\$150
Cemetery 20" X 44"	\$200
Cemetery 20" X 56"	\$250
Flat stone placement	\$75
Cemetery lot City resident	\$400
Cemetery lot non City resident	\$800

MOBILE STAGE RENTAL

Rental of stage (maximum 15 mile radius)	400.00
Additional set up/pick up/ delivery costs	\$75/hr
Refundable deposit	\$200.00

PERMITS AND LICENSING

proposed

Parking permit (per year)	\$60
Peddlers and solicitors standard license (per day)	\$10
Fixed stand on private property	
Peddlers and solicitors event license (per event)	\$50
City event	
Peddlers and solicitors special use license (per day)	\$25
Fixed stand on public property	
Peddlers and solicitors general license (per day)	\$10
Peddlers and solicitors general (6 months)	\$50
Door to door in City - no fixed stand	
Right of way permit	\$25
Farmers Market (per day)	\$5
Farmers Market (full season)	\$50
Demolition permit	\$25
Driveway permit	\$25

ZONING

zoning permit residential	\$25
zoning permit comercial	\$50
Special Use permit	\$250
Zoning Variance	\$250
Amendment to zoning ordinance	\$250
Sign permit (permanent or temporary)	\$25
Lot splits first one	\$75
Additional lot splits	\$25

COUNCIL CHAMBERS

Council Chambers 1/2 day	\$50
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Council Chambers full day	\$100
Refundable deposit	\$100
Each 1/2 hour beyond scheduled	\$25

PARKS

Large pavillion City resident	\$25
Large pavillion non City resident	\$50
Small pavillion City resident	\$10
Small pavillion non City resident	\$20
Gazebo City resident	\$20
Gazebo non City resident	\$40
Little League Pavillion resident	\$20
Little League Pavillin non resdient	\$40

TICKETS

General municipal infraction - first offense	\$50+costs
General municipal infraction - second offense	\$150+costs
General municipal infraction - third offense	\$500+costs
Parking too far from curb	\$25.00
Angle parking violations	\$25.00
Obstructing Traffic	\$50.00
Prohibited parking (signs unnecessary)	
(a) On sidewalk	\$25.00
(b) In front of drive	\$25.00
(c) Within intersection	\$25.00
(d) Within 15 feet of hydrant	\$50.00
(e) On crosswalk	\$25.00
(f) Within 20 feet of crosswalk or 15 feet of corner lot lines	\$25.00
(g) Within 20 feet of street side traffic sign or signal	\$25.00
(h) Within 50 feet of railroad crossing	\$25.00
(i) Within 20 feet of fire station Station entrance	\$25.00
(j) Within 75 feet of fire entrance on opposite side of street (signs required)	\$25.00
(k) Beside street excavation when traffic obstructed	\$50.00
(l) Double parking	\$50.00
(m) On bridge	\$25.00
(n) Within 200 feet of accident where Police in attendance	\$50.00
(o) Blocking emergency exit	\$50.00
(p) Blocking fire escape	\$50.00
In prohibited zone (signs required)	\$50.00
Parking in yellow zone (yellow paint on curb)	\$25.00
Parking in handicap zone without permit	\$100.00

Failure to display handicap sticker	\$25.00
In alley	\$25.00
Parking for prohibited purpose	
(a) Displaying vehicle for sale	\$25.00
(b) Working or repairing vehicle	\$25.00
(c) Displaying advertising	\$25.00
(d) Selling merchandise	\$25.00
(e) Storage over 24 hours	\$25.00
Wrong side of roadway	\$25.00
Loading zone violation	\$50.00
Bicycle parking violations	\$25.00
Prohibited overnight parking in City lot or on street	\$25.00
Illegal tampering/altering/transfer of any permit	\$500.00

BLIGHT

General municipal infraction - first offense	\$300+costs
General municipal infraction - second offense	\$400+costs
General municipal infraction - third offense	\$500+costs

Yes — Bennett, Frechette, Jackson, Powley, Pugh, Schmieder-Kups, Zimmerman

No – None

Absent – None

Motion carried

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MOTION BY FRECHETTE, SECOND BY PUGH, TO APPROVE RESOLUTION #21-04 VIRTUAL MEETING POLICY.

RESOLUTION #21-04

RESOLUTION ESTABLISHING PROCEDURES TO ALLOW ELECTRONIC MEETINGS OF ALL CITY OF WEST BRANCH PUBLIC BODIES AND/OR THE ATTENDANCE AT MEETINGS BY MEMBERS OF THOSE PUBLIC BODIES REMOTELY

WHEREAS, effective October 16, 2020 Act 228 of the Public Acts of 2020 (the Act) amended Section 3 of the Open Meetings Act (OMA) and added Section 3a to the Open Meetings Act to permit in certain circumstances public bodies to meet electronically and to permit members of those public bodies to participate in, and vote on, business before the public body remotely, and

WHEREAS, the Act requires the public body, defined in Section 2(a) of the OMA to be the City of West Branch Council, including all boards, commissions, committees, subcommittees, or authorities of the City of West Branch, to establish procedures to ensure compliance with the requirements of the Act related to electronic meetings and participation in meetings by members of the public body remotely, and

WHEREAS, the West Branch City Council, therefore, desires to comply with this statutory requirement by establishing of the procedures contained in this Resolution, and

NOW THEREFORE BE IT RESOLVED, that the West Branch City Council hereby establishes the following procedures to permit the West Branch City Council and all other public bodies of the City of West Branch to meet electronically and to permit members of the City Council and members of those other public bodies to participate in, and vote on, business before the public body remotely.

PROCEDURES FOR ELECTRONIC MEETINGS AND ATTENDANCE BY MEMBERS REMOTELY

1. Circumstances Permitting Electronic Meetings and/or Remote Participation by Members. Electronic meetings of the City of West Branch public bodies, in whole or in part, and/or attendance by members of those public bodies remotely may be permitted under any of the following circumstances:
 - a. Before January 1, 2021, for any circumstances.
 - b. On and after January 1, 2021 through December 31, 2021, only for one of the following:
 - i. Military service.
 - ii. A medical condition.
 - iii. A work emergency
 - iv. A statewide or local state of emergency or state of disaster declared pursuant to law or charter by the governor or a local official or local governing body that would risk the personal

health or safety of members of the public or the public body if the meeting were held in person

- c. After December 31, 2021 only in the circumstances requiring accommodation of members absent due to military duty.

2. Meetings held Electronically.

- a. Communication. The City of West Branch shall utilize electronic video and/or audio services or equipment that ensures 2-way communication so that during the electronic meeting members of the public body can hear and be heard by other members of the public body and so that participants in the electronic meeting can hear members of the public body and can be heard by members of the public body and other participants during the public comment period. To accommodate individuals with a disability, the City of West Branch may use technology to facilitate typed public comments during the meeting submitted by members of the public participating in the meeting that may be read to or shared with members of the public body and other participants.

- b. Notice.

- i. Any meeting to be held electronically shall be preceded by a notice posted at least 18 hours before the meeting on the homepage of the City's website that is fully accessible to the public.
- ii. The notice of the electronic meeting shall comply with all of the following:
 - (1) The notice shall state why the public body is meeting electronically.
 - (2) The notice shall include the telephone number, internet address, or both, plus any required

passwords or access codes, needed to allow the public to participate in the electronic meeting.

- (3) The notice shall include the telephone numbers and email addresses for each member of the public body, so that all members of the public may contact members of the public body to provide input or ask questions on any business that will come before the public body at the electronic meeting.
 - (4) The notice shall include the name, telephone number, and email address of the City Clerk, or other person designated by the City Council, so that persons with disabilities may seek reasonable accommodations necessary to participate in the electronic meeting.
 - (5) The notice shall state how and where, or by what means, draft minutes may be obtained by the public.
- C. Agenda. If an agenda exists for an electronic meeting, then the agenda for that meeting shall be made available to the public at least two hours before the electronic meeting begins by posting the agenda on that portion of the City's website that is fully accessible to the public. Posting of the agenda, however, shall not prohibit subsequent amendment of the agenda at the meeting.
- d. Identification of the Public. The City of West Branch shall not as a condition of participating in an electronic meeting require a person to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance at the meeting. However, the City of West Branch may require a person to identify himself or herself as per the City Council policies, to the extent they comply with the Open Meetings Act, to participate in the public comment period of the meeting.
- e. Quorum requirements. If a meeting is held electronically, the virtual attendance of a member shall count towards a quorum.

f. Closed Session. Members of the public may be prohibited from participating in any closed session, which may occur in a virtual breakout room or other virtual venue not accessible by the prohibited public.

3. Remote Participation by Members of the Public Body.

a. Communication. When a member of a public body is physically absent from a meeting, but attends the meeting remotely, the City of West Branch shall utilize electronic video and/or audio services or equipment that ensures 2-way communication so that during the meeting the member can hear and be heard by other members of the public body and so that participants in the meeting can hear and be heard by the member. For each member of a public body attending the meeting remotely, that member shall announce at the beginning of the meeting that he or she is attending the meeting remotely and shall, except when his or her absence is due to military duty, announce the member's physical location by stating the county, city, township, or village and the state from which he or she is attending the meeting remotely. These announcements must be included in the minutes of the meeting.

b. Notice.

i. When a member of a public body is physically absent from a meeting, but attends the meeting remotely, the City of West Branch shall post at least 18 hours before the meeting on the City's website dedicated to public notices for non-regularly scheduled or electronic public meetings a notice that the member of the public body will be attending the meeting remotely.

ii. The notice shall include the telephone number and email address for the member of the public body who will be attending the meeting remotely, so that all members of the public may contact the member to provide input or ask questions on any business that will come before the public body at the meeting.

Yes — Bennett, Frechette, Jackson, Powley, Pugh, Schmieder-Kups, Zimmerman

No – None

Absent – None

Motion carried

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MOTION BY ZIMMERMAN, SECOND BY JACKSON, TO APPROVE THE MINUTES AND SUMMARY FROM THE MEETING HELD DECEMBER 21, 2020.

Yes — Bennett, Frechette, Jackson, Powley, Pugh, Schmieder-Kups, Zimmerman

No – None

Absent – None

Motion carried

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MOTION BY POWLEY, SECOND BY BENNETT, TO RECEIVE AND FILE THE TREASURER’S REPORT AND INVESTMENT SUMMARY; AND THE MINUTES FROM THE REGULAR DDA MEETING AND INFORMATIONAL MEETING HELD NOVEMBER 24, 2020.

Yes — Bennett, Frechette, Jackson, Powley, Pugh, Schmieder-Kups, Zimmerman

No – None

Absent – None

Motion carried

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Mayor Frechette wished everyone a Happy New Year and congratulated newest Council Member Tiffany Schmieder-Kups on joining the City Council.

Member Schmieder-Kups wished everyone a Happy New Year.

Member Pugh noted that the Salvation Army’s total came to \$32,200 which was a new record.

Member Powley requested that the City do something in memory of County Commissioner Bruce Reetz who passed. He also noted he had some ideas for the MDOT road diet and said he would visit Manager Dantzer and discuss those at a later time.

Mayor Frechette noted that Member Zimmerman had brought up doing something for Bruce Reetz and that Manager Dantzer would send out an email to Council later in the week with ideas.

Member Bennett wished everyone a Happy New Year and congratulated newest Council Member, Tiffany Schmieder-Kups.

Manager Dantzer noted that with Rusty Showalter not being on Council anymore, there is now an opening on the Waste Water Treatment Plant Authority Board, if any of Council wished to join that board to let him know.

DPW Superintendent Killackey noted his crew had been busy cleaning up snow and had just got the clearance to start cleaning up the garage from the accident that occurred in late December.

Treasurer Frechette wished everyone a Happy New Year.

Member Jackson questioned if his position as Mayor Pro-tem needed to be re-appointed for the new year.

Manager Dantzer noted that the Mayor Pro-tem position is re-appointed every even year.

Mayor Frechette adjourned the meeting at 6:22 PM.

Paul Frechette, Mayor

Amanda Stang, Clerk