

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN PERSON IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET ON MONDAY, JULY 10, 2023.

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

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

Absent: Member Cathy Zimmerman

Other officers present: City Manager John Dantzer, City Clerk Lori Ann Clover, Police Chief Ken Walters, City Attn. Gregory Meihn, and Commissioner Craig Scott.

All stood for the Pledge of Allegiance.

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Commissioner Scott gave an update for the Ogemaw County Commissioners. The County Clerk gave Commissioners an update on the election law and process changes. The sheriff's department received a \$25,000 grant to cover a snowmobile and trailer. Discussion was held on using AARPA funds for improvements to the county building. The county ORV Ordinances were sunsetted. There will be an OPIOID Advisory Committee established to govern the spending of the OPIOID settlement money the county has received. Parks and Recs Board reported that there are some electrical issues at the camp. The Fly In on June 17th this year had the largest attendance in its history. The Airport will be resurfacing the runway. They have contracted with Gallagher Farms to plant corn in the fields surrounding the airport.

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Manager Dantzer reported that the RFP is for the Industrial Park billboard near the corner of Refinery Rd and Cook Rd on the I-75 Business Loop. The RFP had gone out to six different companies and this was the only one that returned a bid. They will be doing a whole new sign.

MOTION BY JACKSON, SECOND BY BENNETT, TO AWARD THE RFP FOR THE INDUSTRIAL PARK BILLBOARD TO LOGO Z NOT TO EXCEED \$1,200.00.

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

No – None

Absent – Zimmerman

Motion carried

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MOTION BY BENNETT, SECOND BY SHOWALTER, TO APPROVE PAYMENT OF THE BILLS IN THE AMOUNT OF \$94,223.68.

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

No – None

Absent – Zimmerman

Motion carried

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MOTION BY FRECHETTE, SECOND BY BENNETT, TO EXCUSE MEMBER ZIMMERMAN FROM TODAY’S MEETING.

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

No – None Absent – Zimmerman Motion carried

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MOTION BY PUGH, SECOND BY ADAIR TO APPROVE SPECIAL EVENT PERMIT MIDNIGHT MADNESS AND EXTEND THE CURFEW TO 1:30.

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

No – None Absent – Zimmerman Motion carried

This brought on the discussion of a complaint a light shining into one of the condos at night. Mayor Frechette stated that he would look into this.

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MOTION BY SHOWALTER, SECOND BY JACKSON TO SEND IN VOTES FOR THE MML TRUSTEE ELECTION AS THEY WERE PRESENTED ON THE BALLOT.

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

No – None Absent – Zimmerman Motion carried

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MOTION BY BENNETT, SECOND BY SHOWALTER TO APPROVE THE CONTRACT FROM MDOT FOR THE PROJECT OF RECONSTRUCTION WORK ALONG HIGHWAY M-55 FROM MARGARET STREET TO FAIRVIEW ROAD CURRENTLY ESTIMATED AT \$3,734,000.00 WITH A DEPOSIT OF \$261,400.00 AND AUTHORIZE MANAGER DANTZER OR MAYOR FRECHETTE TO SIGN ON BEHALF OF THE CITY.

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

No – None Absent – Zimmerman Motion carried

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MOTION BY JACKSON, SECOND BY PUGH TO APPROVE THE LAND PURCHASE AGREEMENT FROM THE BRANCHES FOR \$77,250.00 FOR THE PROPERTY WITH TAX PARCEL NUMBER 65-

011-025-024-25/052-625-002-01 AND AUTHORIZE MANAGER DANTZER TO SIGN ON BEHALF OF THE CITY.

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

No – None

Absent – Zimmerman

Motion carried

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MOTION BY FRECHETTE, SECOND BY PUGH TO APPROVE THE INVOICE FOR MORRIS-RICHARDSON FOR \$200.00 FOR THE WORK DONE ON THE LAND PURCHASE AGREEMENT.

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

No – None

Absent – Zimmerman

Motion carried

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Attn. Meihn provided council with a sample building department ordinance that was all inclusive of any aspects that might arise. He would like to set a work session meeting to review this material and the Planning and Zoning Ordinances. He will prepare a booklet for distribution at the next meeting for council to review at the work session. He also informed members that the personal property tax letters have gone out.

MOTION BY FRECHETTE, SECOND BY ADAIR TO POSTPONE ANY DECISIONS ON THE BUILDING DEPARTMENT ORDINANCE 23-02 UNTIL THE FOLLOWING MEETING.

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

No – None

Absent – Zimmerman

Motion carried

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MOTION BY SHOWALTER, SECOND BY JACKSON TO APPROVE RESOLUTION 23-20 CAPITAL IMPROVEMENT BONDS NOT TO EXCEED \$2,250,000.00.

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

No – None

Absent – Zimmerman

Motion carried

**NOTICE OF INTENT RESOLUTION 23-20
CAPITAL IMPROVEMENT BONDS**

**CITY OF WEST BRANCH
County of Ogemaw, State of Michigan**

WHEREAS, the City of West Branch, County of Ogemaw, State of Michigan (the "City") intends to issue general obligation limited tax bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), in one or more series, in an aggregate principal amount of not to exceed Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000) (the "Bonds"), for the purpose of paying the costs of streetscape improvements in the City, including related water mains and all appurtenances and attachments thereto (the "Project"); and

WHEREAS, a notice of intent to issue the Bonds must be published before the issuance of the Bonds in order to comply with the requirements of Section 517 of Act 34; and

WHEREAS, the City intends at this time to state its intentions to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Project prior to issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is authorized and directed to publish a notice of intent to issue bonds in the *Ogemaw County Herald*, a newspaper of general circulation in the City.

2. The notice of intent shall be published as a display advertisement not less than one-quarter (1/4) page in size in substantially the form attached to this resolution as Exhibit A.

3. The City Council does hereby determine that the foregoing form of Notice of Intent to Issue Bonds, and the manner of publication directed, is the method best calculated to give notice to the City's electors and taxpayers residing in the boundaries of the City of the City's intent to issue the Bonds, the maximum amount of the Bonds, the purpose of the Bonds, the source of payment for the Bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.

4. The City makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:

(a) The City reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from funds of the City subsequent to sixty (60) days prior to today.

(b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$2,250,000.

(c) A reimbursement allocation of the capital expenditures described above with the proceeds of the Bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the

proceeds of the Bonds to reimburse the City for a capital expenditure made pursuant to this resolution.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

EXHIBIT A

**NOTICE TO TAXPAYERS AND ELECTORS
OF THE CITY OF WEST BRANCH
OF INTENT TO ISSUE BONDS**

AND THE RIGHT OF REFERENDUM RELATING THERETO

PLEASE TAKE NOTICE that the City of West Branch, County of Ogemaw, State of Michigan (the "City"), intends to issue and sell its general obligation capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in one or more series, in an aggregate principal amount of not to exceed Two Million Two Hundred Fifty Thousand Dollars (\$2,250,000), for the purpose of paying the costs of streetscape improvements in the City, including related water mains and all appurtenances and attachments thereto.

SOURCE OF PAYMENT OF BONDS

THE PRINCIPAL OF AND INTEREST ON SAID BONDS shall be payable from the general funds of the City lawfully available for such purposes including property taxes levied within applicable constitutional, statutory and charter tax rate limitations.

BOND DETAILS

SAID BONDS will be payable in not to exceed thirty (30) years from date of issuance, with interest rates to be determined at a public or negotiated sale but in no event to exceed the maximum permitted by law on the unpaid balance from time to time remaining outstanding on said bonds.

RIGHT OF REFERENDUM

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY IS FILED WITH THE CITY CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE CITY VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended.

Lori Ann Clover
City Clerk, City of West Branch

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MOTION BY FRECHETTE, SECOND BY BENNETT TO APPROVE PAYMENT TO MILLER-CANFIELD TO PROVIDE BOND COUNSEL WORK NOT TO EXCEED \$17,500.00.

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

No – None

Absent – Zimmerman

Motion carried

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MOTION BY JACKSON, SECOND BY ADAIR TO APPROVE RESOLUTION 23-21 COVID PLAN DISCONTINUE.

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

No – None

Absent – Zimmerman

Motion carried

RESOLUTION #23-21

WHEREAS, the City developed a COVID 19 preparedness and response plan in response to the COVID 19 pandemic; and

WHEREAS, Council approved the plan on November 16, 2020 and approved updates on May 6, 2021; May 18, 2021; and January 25, 2022, and

WHEREAS, on May 5, 2023, the World Health Organization declared an end to the global Public Health Emergency, and

WHEREAS with the end of the health emergency, it is no longer required to have a COVID 19 plan, and

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council hereby discontinues the COVID 19 preparedness and response plan including all job restrictions and additional pay.

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MOTION BY JACKSON, SECOND BY SHOWALTER TO APPROVE THE MINUTES AND SUMMARY FROM THE REGULAR MEETING HELD JUNE 19, 2023.

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

No – None

Absent – Zimmerman

Motion carried

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MOTION BY SHOWALTER, SECOND BY JACKSON TO RECEIVE AND FILE THE TREASURER’S REPORT AND INVESTMENT SUMMARY; MINUTES FROM THE IDC BOARD MEETING HELD JANUARY 27, 2023; MINUTES FROM THE WWTPA MEETING HELD MARCH 21, 2023; AND MINUTES FROM THE DDA MEETING HELD MAY 25, 2023.

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

No – None

Absent – Zimmerman

Motion carried

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Communications shared included a letter from Charter and two MMPS Policy Brief’s with key articles of Workforce Reflects and Challenges.

Mayor Frechette stated that the business loop was absolutely packed on Saturday night for the fireworks.

Member Jackson reported that West Branch has been filled with tourists for the last couple of weeks.

Member Bennett informed members that there would be Music on the Porch at 6:00 pm with the Jim Dandies’. Member Pugh announced that their group would be singing also.

Member Showalter reported that his granddaughter won the Youth Scholarship Program at Surline.

Member Dantzer asked members if they wanted him to pursue having the trees removed on the lot across from Smiley. This brought on several different viewpoints. Manager Dantzer will reach out to a couple of logging companies. Member Showalter informed members that according to surveys that their company has done the most necessary housing would be for the work force.

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MOTION BY JACKSON, SECOND BY PUGH TO CANCEL THE JULY 24, 2023 COUNCIL MEETING AND CONDUCT REGULAR BUSINESS AT THE SPECIAL JULY 31, 2023 MEETING.

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

No – None

Absent – Zimmerman

Motion carried

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Mayor Frechette adjourned the meeting at 6:58 pm.

Paul Frechette, Mayor

Lori Ann Clover, Clerk