

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET ON MONDAY, MAY 20, 2019.

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

Present: Mayor Paul Frechette and Council Members Joanne Bennett, William Ehinger, Mike Jackson, Ellen Pugh, Dan Weiler, and Cathy Zimmerman.

Absent: None

Other officers present: Interim City Manager/Clerk/Treasurer John Dantzer, Deputy Clerk/Treasurer Michelle Frechette, DPW Superintendent Mike Killackey, Police Chief Ken Walters.

All stood for the Pledge of Allegiance and a moment of silence.

* * * * *

Discussion on an addition to the agenda, Resolution 19-12.

RESOLUTION 19-12

AUTHORIZING AND APPROVING THE PURCHASE OF REAL PROPERTY BY LAND CONTRACT AND ITS EXECUTION BY CITY MANAGER

DATE: May 20, 2019

AT A MEETING OF THE CITY COUNCIL OF THE CITY OF WEST BRANCH, MICHIGAN, HELD ON May 20, 2019, the City Council of the City of West Branch, Michigan, does hereby adopt the following resolutions:

WHEREAS The City of West Branch desires to purchase real property located at 0-M30, West Branch, Michigan 48661, described according to the attached legal description, on a land contract for the purchase price of \$225,000.00, plus interest, for future development.

THEREFORE, it is resolved by the City Council of the City of West Branch, Ogemaw County, Michigan that the Acting City Manager and other Township Officials as may be appropriate and necessary are hereby authorized to execute the attached Land Contract, or a Land Contract of similar language, subject to any reasonable amendments made by the City Attorney to protect the City's interests, and to sign all other documents and take other steps which may be appropriate and necessary to effectuate and complete closing on the property.

EXHIBIT A – LEGAL DESCRIPTION

Land situated in the Township of Ogemaw, County of Ogemaw, State of Michigan, more particularly described as:

Parcel B: Part of the North 1/2 of the Southeast 1/4 of Section 25, Town 22 North, Range 1 East, described as: Commencing at the East 1/4 corner of said Section 25; thence North 86°40'32" West along

the East-West 1/4 line, 1156.50 feet to the Point of Beginning; thence continuing North 86°40'32" West along said East-West 1/4 line 1525.60 feet to the North-South 1/4 line; thence South 00°13'44" West, along said North-South 1/4 line, 1307.91 feet to the South 1/8 line; thence South 86°33'06" East, along said South 1/8 line, 558.35 feet; thence North 00°12'14" East, parallel with said East section line, 450.00 feet; thence South 86°33'06" East, parallel with said South 1/8 line, 968.00 feet; thence North 00°12'14" East, parallel with said East section line, 861.25 feet back to the Point of Beginning. TOGETHER WITH AND SUBJECT TO a 66.00 foot wide easement for ingress/egress and the installation and maintenance of public utilities with the South and East line described as: Beginning South 00°12'14" West, along the East section line 521.55 feet from the East 1/4 corner of Section 25, Town 22 North, Range 1 East; thence North 86° 33'06" West, parallel with the South 1/8 line, 1156.64 feet; thence South 00°12'14" West, parallel with said East section line, 342.21 feet to the Point of Ending.

MOTION BY BENNETT, SECOND BY PUGH, TO ADOPT RESOLUTION 19-12

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

Discussion on a special event permit from Praise in the Park to play music in the park on Sundays from 1:00pm – 2:00pm in the grassy area by the east parking lot for nine Sundays.

MOTION BY ZIMMERMAN, SECOND BY PUGH, TO ALLOW PRAISE IN THE PARK TO HOLD THE CONCERTS IN THE PARK AS PRESENTED.

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

Discussion on parking lot bids to remove/replace the asphalt from the N 4th St and N 2nd St parking lots to be paid from the 202.451 line item. Dantzer’s recommendation is to go with the low bid from Mid Michigan Asphalt.

MOTION BY JACKSON, SECOND BY WEILER, TO AWARD THE PARKING LOT BID TO MID MICHIGAN ASPHALT.

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

MOTION BY BENNETT, SECOND BY JACKSON, TO PAY BILLS IN THE AMOUNT OF \$289,508.88.

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

Discussion on proposed 19/20 budget. Changes were made as Council requested at the work session.

MOTION BY BENNETT, SECOND BY ZIMMERMAN, TO APPROVE THE 2019/2020 CITY OF WEST BRANCH BUDGET

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

MOTION BY FRECHETTE, SECOND BY ZIMMERMAN, TO APPROVE PROCLAMATION 19-01

Proclamation #19-01

WHEREAS, each year Optimist clubs from around the world take time to recognize youth in the community who contribute to a better life for all, and

WHEREAS, the West Branch Optimist Club has a proud tradition of selecting the best and brightest young people of the West Branch area to receive this prestigious award, and

WHEREAS, Thursday, May 30, 2019, the West Branch Optimist Club will bestow a formal Recognition of appreciation of the following listed youth:

- | | |
|-------------------|------------------|
| Grant David | Conrad Weber |
| Savannah Misiak | Hannah Beehler |
| Adrienne Walby | Kennedy Wangler |
| Reese Brewer | Addyson Sterling |
| Somer Sappington | Logan Frantz |
| Aaliyah Dantzer | Adysen Kartes |
| Cayden Wangler | Elijah Marsh |
| Casey Klofft | Addison Wangler |
| Kaitlyn Guoan | Lucas Hines |
| Harper Munson | Reese Rau |
| Anastasia Kurtz | Ty Neubecker |
| Derek Orr | Cori Bertossi |
| Faith Kurtz | Ariana Leibold |
| Abigail Beveridge | Reese Temple |

NOW, THEREFORE, BE IT PROCLAIMED, that May 30, 2019, is Optimist International Youth Appreciation Day in the City of West Branch and that day shall be dedicated to these fine youth who represent our community with pride and dignity, and

BE IT FURTHER PROCLAIMED, that the City Clerk is directed to install this record in the permanent record of the City of West Branch, so that future West Branch citizens may look back with pride at the names of the finest youngsters of 2019.

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

RESOLUTION 19-10

RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM

WHEREAS, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018; and

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018; and

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs; and

NOW THEREFORE BE IT RESOLVED, the City of West Branch hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663; and

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of the City of West Branch Council meeting on May 20, 2019.

RESOLUTION 19-11

RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM

WHEREAS, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018; and

WHEREAS, the City of West Branch adopted the Michigan Local Agency Pavement Warranty Program on May 20, 2019; and

WHEREAS, the City of West Branch agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds; and

WHEREAS, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project; and

WHEREAS, the City of West Branch agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which the City of West Branch adopted Implementation Policy defines the City's intent of its pavement warranty program; and

NOW THEREFORE BE IT RESOLVED, the City of West Branch hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

MOTION BY JACKSON, SECOND BY EHINGER, TO ADOPT RESOLUTION 19-10 AND RESOLUTION 19-11

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

Discussion on the quilt banner. The bucket truck is in need of around \$8,000 in repairs. Killackey stated that Home Depot has one that we can rent for \$200+. Discussion on a new truck cost would be over \$150,000. Zimmerman stated to finish up with hanging the banners this year and revisit the banner program at a later date.

* * * * *

Discussion on the proposed City Manager contract. Section 10 remove the residency stipen, Section 16 remove the general expenses information and Section 5 starting salary \$73,250. MERS option offered is the Division 10 – City Manager. Mayor Frechette is looking into another Defined Contribution option and will being an addendum for that Section to Council once reviewed.

MOTION BY BENNETT, SECOND BY ZIMMERMAN, TO APPROVE THE CITY MANAGER CONTRACT

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None

Absent – None

Motion carried

* * * * *

MOTION BY FRECHETTE, SECOND BY JACKSON, TO CONTACT MERS TO REVIEW OTHER OPTIONS

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None Absent – None Motion carried

* * * * *

Discussion on the MERS contacts that are on file with MERS. We need to update to reflect new positions.

MOTION BY JACKSON, SECOND BY ZIMMERMAN, TO REMOVE HEATHER GRANCE AND DENISE LAWRENCE FROM THE CONTACTS AND ADD FRANK GOODROE AND UPDATE MAYOR FRECHETTE AS THE HIGHEST BOARD SEAT

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None Absent – None Motion carried

* * * * *

MOTION BY JACKSON, SECOND BY BENNETT, TO APPROVE THE MINUTES AND SUMMARY FROM THE MEETING HELD MAY 6, 2019, AS WELL AS THE CLOSED SESSION MINUTES OF THE SPECIAL MEETING HELD APRIL 27, 2019.

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None Absent – None Motion carried

* * * * *

MOTION BY FRECHETTE, SECOND BY ZIMMERMAN, TO RECEIVE AND FILE THE TREASURER’S REPORT AND INVESTMENT SUMMARY, THE MINUTES FROM THE AIRPORT BOARD MEETING HELD APRIL 17, 2019, THE APRIL POLICE REPORT, AND THE MINUTES FROM THE DOWNTOWN DEVELOPMENT BOARD MEETING HELD MARCH 26, 2019

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None Absent – None Motion carried

* * * * *

Jackson reminded all that the Emergency Room tour is set for Wednesday from 3:00pm – 6:00pm with the ribbon cutting at 3:30pm.

Dantzer reminded that Council need to excuse Mayor Frechette from the April 15th meeting.

MOTION BY PUGH, SECOND BY JACKSON, TO EXCUSE MAYOR FRECHETTE FROM THE APRIL 15, 2019 COUNCIL MEETING

Yes — Bennett, Ehinger, Frechette, Jackson, Pugh, Weiler, Zimmerman

No – None

Absent – None

Motion carried

Chief Walters let all know that Emergency Management group is having a drill at the old Bortz facility tomorrow from noon to 4:00pm.

Ehinger stated that the Airport Fly-in is on June 15th. And that the drill and fly-in be noticed on the City's website.

Killackey stated that the road project is going well and the USDA truck has been ordered.

It was mentioned that the City will hold an open house for Frank in June.

* * * * *

Mayor Frechette thanked Chloe Nelson from Surline for attending and answered her question on the parking lot project.

* * * * *

Mayor Frechette adjourned the meeting at 6:40pm.