

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, SEPTEMBER 19,
2022.

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

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

Joanne Bennett arrived at 6:03 pm following roll call.

Absent: None

Other officers present: City Manager John Dantzer, City Clerk Lori Ann Clover, DPW Supervisor Mike
Killackey, Officer Brandon Bicoll, Attorney for MML Gretchen Olsen, Insurance Representative for MML
Mark Ott and County Commissioner Mark Surbrook.

All stood for the Pledge of Allegiance.

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Commissioner Surbrook reported that NEMSCA and AVCMH gave presentations at the last meeting in
reference to their services in Ogemaw County. The County has purchased body cameras for their police
officers. He also gave an update on the Rifle River Watershed.

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**AT 6:10 PM, MOTION BY FRECHETTE, SECOND BY BENNETT, WAS MADE TO GO INTO CLOSED
SESSION PURSUANT TO SECTION 8(e)(h) OF THE OPEN MEETINGS ACT TO CONSULT WITH ITS
ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH SPECIFIC
PENDING LITIGATION AND TO CONSIDER MATERIAL EXEMPT FROM DISCUSSION OR
DISCLOSURE BY STATE OR FEDERAL STATUTE.**

Yes – Adair, Bennett, Frechette, Jackson, Pugh, Showalter, and Zimmerman

No – None

Absent – None

Motion carried

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AT 6:23 PM, MOTION BY FRECHETTE, SECOND BY BENNETT, TO RETURN TO OPEN SESSION.

Yes – Adair, Bennett, Frechette, Jackson, Pugh, Showalter, and Zimmerman

No – None

Absent – None

Motion carried

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MOTION BY FRECHETTE, SECOND BY ADAIR, TO APPROVE THE SETTLEMENT RECOMMENDED BY THE MML ATTORNEY AND THE INSURANCE REPRESENTATIVE NOT TO EXCEED \$45,000.00.

Yes – Adair, Bennett, Frechette, Jackson, Pugh, Showalter, and Zimmerman

No – None Absent – None Motion carried

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MOTION BY BENNETT, SECOND BY SHOWALTER, TO APPROVE THE PAYMENT OF BILLS IN THE AMOUNT OF \$70,590.07.

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

No – None Absent – None Motion carried

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MOTION BY ADAIR, SECOND BY SHOWALTER, TO APPROVE SPECIAL EVENT PERMITS HOMECOMING LIGHT POLE DECORATING, CHRISTMAS LIGHT PARADE, AND FLANNEL & FLAPJACK FUNDRAISER.

Member Zimmerman asked if the flowers would be in the way. DPW Supervisor Killackey replied only in a couple of areas and he would make sure they were cleaned up.

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

No – None Absent – None Motion carried

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Member Showalter requested to abstain from voting in Item G. Temporary Construction Access Easement Agreement due to a conflict of interest.

MOTION BY FRECHETTE, SECOND BY BENNETT, TO ACCEPT MEMBER SHOWALTER ABSTAINING FROM THE VOTE ON ITEM G. TEMPORARY CONSTRUCTION ACCESS EASEMENT AGREEMENT.

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

No – None Absent – None Motion carried

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MOTION BY SHOWALTER, SECOND BY PUGH, TO ALLOW MANGER DANTZER TO SIGN THE TITLE VI SUB-RECIPIENT ANNUAL CERTIFICATION FORM.

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

No – None Absent – None Motion carried

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MOTION BY PUGH, SECOND BY JACKSON, TO ALLOW MANAGER DANTZER TO SIGN THE AGREEMENT WITH DESHANO ALLOWING TEMPORARY CONSTRUCTION ACCESS EASEMENT.

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

No – None Absent – None Abstain - Showalter Motion carried

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Member Showalter requested to abstain from voting in Item H. Condo modification approval for West River Park Condo Complex due to a conflict of interest.

MOTION BY FRECHETTE, SECOND BY BENNETT, TO ACCEPT MEMBER SHOWALTER ABSTAINING FROM THE VOTE ON ITEM H. CONDO MODIFICATION APPROVAL FOR WEST RIVER PARK CONDO COMPLEX.

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

No – None Absent – None Motion carried

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Manager Dantzer explained that the modification was to change two duplexes into singles and it was not significant or material.

MOTION BY PUGH, SECOND BY JACKSON, TO APPROVE THE CHANGES TO THE CONDO SITE PLANS BECAUSE THE CHANGES ARE DETERMINED NOT TO BE A SUBSTANTIAL OR MATERIAL CHANGE.

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

No – None Absent – None Abstain - Showalter Motion carried

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MOTION BY PUGH, SECOND BY ZIMMERMAN TO APPROVE THE COUNCIL BYLAWS, POLICIES AND PROCEDURES PRESENTED BY MANAGER DANTZER.

Discussion was held regarding the differences between this and the City Ordinances. Member Showalter stated that the City Ordinances were rules for the City and the Bylaws were how the Council needed to operate. They must be in agreement, however if at any time the Bylaws need to be changed it just needs to go before the Council for a vote.

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

No – None

Absent – None

Motion carried

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MOTION BY BENNETT, SECOND BY SHOWALTER TO APPROVE MANAGER DANTZER SIGNING THE CONTRACT WITH J & N CONSTRUCTION FOR THE DWSRF GRANT.

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

No – None

Absent – None

Motion carried

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MOTION BY PUGH, SECOND BY BENNETT TO APPROVE THE MINUTES AND SUMMARY FROM THE REGULAR MEETING AND CLOSED SESSION HELD SEPTEMBER 6, 2022.

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

No – None

Absent – None

Motion carried

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MOTION BY SHOWALTER, SECOND BY ADAIR TO RECEIVE AND FILE THE TREASURER’S REPORT AND INVESTMENT SUMMARY; WEST BRANCH POLICE DEPARTMENT REPORT FOR AUGUST 2022; AND MINUTES FROM THE PLANNING COMMISSION HELD JULY 12, 2022.

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

No – None

Absent – None

Motion carried

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Communications shared included the Act 51 Certification.

Member Zimmerman complimented the City employees and their responsiveness to questions or issues. She appreciates working with such an excellent group of staff.

Member Dantzer reminded Council of the upcoming work session at the DPW Garage following this meeting to review the training of K-9 Officer Kony and handler, Officer Brandon Bicolli.

Mayor Frechette adjourned the meeting at 6:45 pm.

Paul Frechette, Mayor

Lori Ann Clover, Clerk