

- AGENDA -

REGULAR MEETING OF THE WEST BRANCH DOWNTOWN DEVELOPMENT AUTHORITY (DDA) TO BE HELD AT THE WEST BRANCH CITY HALL, 121 N. FOURTH ST, WEST BRANCH, MICHIGAN, 48661 ON TUESDAY, AUGUST 22, 2023, BEGINNING AT 12:00 P.M.

- I. Call to Order
- II. Roll Call
- III. Additions to agenda
- IV. Public comment on agenda items only
- V. Approval of the minutes from the regular meeting held July 25, 2023
- VI. Bills
- VII. Bids
- VIII. New Business
- IX. Unfinished Business
- X. Reports
 - A. MDOT report
 - B. Chairperson Report
 - 1. Chamber of Commerce 100-year anniversary
 - B. Member Report
 - C. Treasurers Report
 - D. City Manager Report
 - E. Planning Commission
- XI. Communications
- XII. Public comment
- XIII. Adjournment

Next Meeting – Tuesday, September 26, 2023

REGULAR MEETING OF THE WEST BRANCH DOWNTOWN DEVELOPMENT AUTHORITY
HELD AT WEST BRANCH CITY HALL, 121 N. FOURTH ST. WEST BRANCH, MI ON TUESDAY,
JULY 25, 2023.

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

Present: Joanne Bennett, Samantha Fabbri, Autum Hunter, Sandy Rabidue, and Ken Walters.

Absent: Joe Clark, Erin Resteiner (attended virtually but could not vote due to OMA), and Cathy Zimmerman.

Others present: Acting Secretary/City Manager John Dantzer and MDOT representative Kim Mullins

* * * * *

MOTION BY FABBRI, SECOND BY RABIDUE, TO EXCUSE MEMBERS CLARK, RESTEINER, AND ZIMMERMAN FROM THE MEETING.

Yes – Bennett, Fabbri, Hunter, Rabidue, Walters	No – None
Absent – Clark, Resteiner, Zimmerman	Motion carried.

* * * * *

MOTION BY RABIDUE, SECOND BY HUNTER, TO APPROVE THE MINUTES FROM THE MEETING HELD JUNE 27, 2023.

Yes – Bennett, Fabbri, Hunter, Rabidue, Walters	No – None
Absent – Clark, Resteiner, Zimmerman	Motion carried.

* * * * *

MOTION BY FABBRI, SECOND BY HUNTER, TO APPROVE THE BILLS IN THE AMOUNT OF \$49,250.40

Yes – Bennett, Fabbri, Hunter, Rabidue, Walters	No – None
Absent – Clark, Resteiner, Zimmerman	Motion carried.

* * * * *

Kim Mullins went over different aspects of the Houghton Ave reconstruction project including the bid process, billing process, time table, and gave an update on utilities.

Chairperson Fabbri noted how well the Jeep Jam went and asked to share with Council her letter thanking everyone for their help on the event.

The Board asked about the current opening. Secretary/Manager Dantzer noted he did reach out to Mercantile Bank and they were looking at having someone serve on the Board.

The Treasures report was submitted.

* * * * *

The meeting was adjourned at 12:34 pm.

*ATTACHED IS A
LIST OF THE
BILLS TO BE APPROVED
AT THIS MEETING*

BILLS

Beckett and Raeder – Streetscape	\$555.00
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Paid but not approved

Miller Canfield	\$2,450.00
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TOTAL BILLS	\$3,005.00
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B R i
Beckett&Raeder
535 W. William St, Ste 101
Ann Arbor, MI 48103
Tel: (734) 663-2622

John Dantzer
City of West Branch
121 N. 4th Street
West Branch, MI 48661

INVOICE
INVOICE DATE: 7/1/2023
INVOICE NO: 2023632
BILLING THROUGH: 6/30/2023

2021088 West Branch Streetscape M-55 Corridor Improvements Managed By: Timothy C Knutsen

DESCRIPTION	CONTRACT AMOUNT	% COMPLETE	BILLED TO DATE	PREVIOUSLY BILLED	CURRENT AMOUNT
West Branch Streetscape M-55 Corridor Improvements - DD - CD 2021088	\$56,750.00	91.38	\$51,856.65	\$51,301.65	\$555.00
TOTAL	\$56,750.00		\$51,856.65	\$51,301.65	\$555.00

SUBTOTAL \$555.00
AMOUNT DUE THIS INVOICE \$555.00
This invoice is due on 7/31/2023

248-000-000-801.700

Original bid amount	\$56,750.00
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Payments

4/18/2022	\$12,367.00
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5/30/2022	\$6,799.87
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6/30/2022	\$6,260.00
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9/30/2022	\$1,977.50
-----------	------------

2/7/2023	\$750.00
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4/4/2023	\$4,635.00
----------	------------

6/7/2023	\$10,388.53
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	\$5,347.50
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8/2/2023	\$2,776.25
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Previous paid	\$51,301.65
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Current due	<hr/> \$555.00
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Amount remaining after this payment	\$4,893.35
--	------------

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

THOMAS D. COLIS
TEL (313) 496-7677
FAX (313) 496-8450
E-MAIL colis@millercanfield.com

Miller, Canfield, Paddock and Stone, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
TEL (313) 963-6420
FAX (313) 496-7500
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June 26, 2023

Via Email Only

Mr. John Dantzer
City Manager
City of West Branch
121 N. Fourth St.
West Branch, MI 48661

Re: 2023 Capital Improvement Bonds/Streetscape Improvements

Dear John:

We look forward to again serving the City of West Branch (the "City") as bond counsel in connection with the proposed issuance of general obligation capital improvement bonds to finance the cost of the streetscape improvements in the City. You may be assured of our prompt and complete attention to this financing. It is our practice when beginning work on a new matter to send an engagement letter like this which sets forth the scope of our services as bond counsel and the nature of our compensation.

Bond Counsel's Role

Bond Counsel is engaged as a recognized expert whose primary responsibility is to render an objective legal opinion with respect to the authorization and issuance of the Bonds. Our approving legal opinion with respect to the Bonds will be executed and delivered by us in written form on the date the Bonds are exchanged for their purchase price, and will be based upon facts and law existing as of its date. In rendering the opinion, we will rely upon the certified proceedings and other certifications of public officials and by other persons furnished to us without undertaking independent verification of the information contained in the proceedings and certifications.

In performing our services as bond counsel, our client is the City and we will represent its interests. However, our representation of the City does not alter our responsibility to render an objective opinion as bond counsel. Upon delivery of the opinion our responsibilities as bond counsel will be concluded with respect to the Bonds.

Scope of Bond Counsel Services – What We Will Do

As bond counsel, we would provide the following services customarily performed by bond counsel respecting the authorization, sale, issuance and delivery of bonds:

1. Meet or consult with City officials, the City Council, if requested, the City's financial advisor, if any, and others to explain the legal nature of a proposed borrowing, the City's power to borrow and the limitations on that power, and consult with City officials and the financial advisor in the design of the bonding program and timing schedules.

2. Prepare all of the necessary resolutions, ordinances, notices, agreements and other documents to authorize, issue and sell the Bonds. We also would assist in preparing required filings with the Michigan Department of Treasury and the Internal Revenue Service and in preparing the portion of the official statement respecting the Bonds. We also will advise the City regarding relevant disclosure obligations under SEC Rule 15c2-12 in connection with the marketing and sale of municipal securities.

3. Examine the tax issues related to the Bonds (done by an attorney specializing in the requirements of the Internal Revenue Code as they apply to municipal tax-exempt bonds) to assure that all requirements of the Internal Revenue Code are complied with and that any adverse tax consequences are minimized.

4. Participate in the sale and delivery of the Bonds in order to handle legal matters that may arise at those times.

5. Prepare the bond form for printing definitive bonds for delivery to the purchaser.

6. Give the approving opinion as to validity and enforceability of the Bonds and their authorizing documents and as to the exemption of the interest on the Bonds from federal and state income taxation.

Our professional responsibilities as attorneys in this matter will be limited to interpretations of law and other legal issues and the drafting of legal documents. We are not registered municipal advisors under the federal Dodd-Frank Act and therefore we will not assume the responsibilities of a municipal finance advisor or the professional responsibilities of any other advisor with respect to non-legal matters.

Limitations on Services

We believe that the above services encompass the normal scope of bond counsel activities. Our services as bond counsel do not include activities outside of that norm, such as review of construction contracts, condemnation, title issues or recording deeds involved in land acquisition or representation of the City in litigation or administrative proceedings that might

MILLER, CANFIELD, PADDOCK AND STONE, P.L.L.C.

John Dantzer

-3-

June 26, 2023

arise in connection with the Bonds. The matters are handled by the City's attorneys or others the City may employ.

Our engagement does not include any obligation to monitor compliance with the federal tax requirements found in the Internal Revenue Code of 1986 (the "Code") and applicable to the Bonds, including the rebate requirements of Code Section 148(f), if applicable, as described in an exhibit attached to the Nonarbitrage and Tax Compliance Certificate that the City will execute in connection with the issuance of the Bonds, or in connection with any audit or examination of the Bonds by the Internal Revenue Service. However, we would be available to assist with rebate calculations or any audit or examination as a separate engagement.

Conflict of Interest Policy

Our firm is one of the largest in Michigan. In addition to having the largest public finance practice in the State, our attorneys represent a great many clients and our practice is in many different legal areas. At one time or another, our firm has represented nearly every large and many smaller commercial and investment banks and other bond purchasers that do business in Michigan.

We are not representing and do not intend to represent any other party in this financing. We do not believe that our representation in unrelated matters of the various other parties both in and out of the municipal area will affect our ability to serve the City as bond counsel.

We are not representing and do not intend to represent any other party in this financing. However, we wish to remind you of our representation in other unrelated matters of Mercantile Bank of Michigan. Since Miller Canfield does periodically and regularly represent Mercantile Bank of Michigan in unrelated matters, we need your consent and waiver of any conflict of interest that might be presented by these representations in order for our firm to proceed with this engagement. We do not believe that our representation of Mercantile Bank of Michigan in unrelated matters will impair our ability to serve the City as bond counsel. With this disclosure and the City's consent, we believe that we may represent the City effectively and efficiently. We have received a similar consent from Mercantile Bank of Michigan regarding our representation of the City in this matter. We, of course, would decline to represent any client in a matter involving the City that would conflict with our services to the City as bond counsel for the above issue. Moreover, before we would represent a client adverse to the City in any area not involving the bond issue, we would advise the City before undertaking such representation.

Fees

Assuming the Bonds are issued in a single series of approximately \$2,000,000, our fee as bond counsel would be \$17,500, inclusive of expenses. Our customary practice is to submit our invoice for payment at the time of the delivery of the Bonds to be paid from the proceeds of the Bonds.

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

John Dantzer

-4-

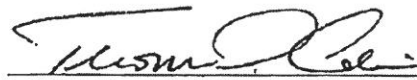
June 26, 2023

We welcome this opportunity to be of service to the City and look forward to working with you. If you have any questions regarding this letter, please give me a call.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By:



Thomas D. Colis

40820003.1/095815.00019

77% - 591-000-000 - 801.700

14% - 248-000-000 - 801.700

9% - 101-266 000 - 801.700

17,500

77% - 13,475.00

14% - 2,450.00

9% - 1,575.00

100% 17,500

The
**WEST BRANCH AREA
CHAMBER OF COMMERCE**
is celebrating its
**100 YEAR
ANNIVERSARY!**



We are working with the chamber to publish the
“Official” Special Section to commemorate this milestone!

ADVERTISING RATES

Eighth Page.....	\$60
Quarter Page	\$140
Half Page	\$220
Full Page	\$380

All ads include full color

Call to reserve your space now!

Kathy 989-450-6163

Grange 989-329-6487

Madisyn 989-903-5800

A publication of the

Ogemaw County
VOICE

PERIOD ENDING 07/31/2023

GL NUMBER	DESCRIPTION	2023-24		2023-24 AMENDED BUDGET	YTD BALANCE 07/31/2023		ACTIVITY FOR MONTH 07/31/23		AVAILABLE BALANCE		% BDDT USED
		ORIGINAL BUDGET			NORM (ABNORM)		INCR (DECR)	NORM (ABNORM)			
Fund 248 - DDA OPERATING FUND											
Revenues											
Dept 000.000											
248-000.000-400.400	TAX INCREMENT FINANCING	80,000.00		80,000.00	66,696.63		66,696.63	13,303.37	83.37		
248-000.000-403.400	CURRENT PROPERTY TAX GEN.OP.	10,000.00		10,000.00	0.00		0.00	10,000.00	0.00		
248-000.000-408.400	PERSONAL PROPERTY TAX LOSS REIMBURSEMENT	40,000.00		40,000.00	0.00		0.00	40,000.00	0.00		
248-000.000-695.400	MISCELLANEOUS	1,500.00		1,500.00	0.00		0.00	1,500.00	0.00		
Total Dept 000.000		131,500.00		131,500.00	66,696.63		66,696.63	64,803.37	50.72		
TOTAL REVENUES											
		131,500.00		131,500.00	66,696.63		66,696.63	64,803.37	50.72		
Expenditures											
Dept 000.000											
248-000.000-729.700	FLOWER PROJECT	5,000.00		5,000.00	0.00		0.00	5,000.00	0.00		
248-000.000-750.700	RETAIL MERCHANTS	7,500.00		7,500.00	0.00		0.00	7,500.00	0.00		
248-000.000-782.700	ADMINISTRATION	2,400.00		2,400.00	200.00		200.00	2,200.00	8.33		
248-000.000-801.700	CONTRACTUAL SERVICES	104,800.00		104,800.00	2,450.00		2,450.00	102,350.00	2.34		
248-000.000-865.700	PROFESSIONAL DEVELOPMENT	1,000.00		1,000.00	0.00		0.00	1,000.00	0.00		
248-000.000-935.703	SHOWMOBILE EXPENSES	300.00		300.00	0.00		0.00	300.00	0.00		
248-000.000-940.700	GEN. MAINTENANCE/SNOW REMOVAL	9,000.00		9,000.00	0.00		0.00	9,000.00	0.00		
248-000.000-956.700	EXPENSES	1,500.00		1,500.00	0.00		0.00	1,500.00	0.00		
Total Dept 000.000		131,500.00		131,500.00	2,650.00		2,650.00	128,850.00	2.02		
TOTAL EXPENDITURES											
		131,500.00		131,500.00	2,650.00		2,650.00	128,850.00	2.02		
Fund 248 - DDA OPERATING FUND:											
TOTAL REVENUES		131,500.00		131,500.00	66,696.63		66,696.63	64,803.37	50.72		
TOTAL EXPENDITURES		131,500.00		131,500.00	2,650.00		2,650.00	128,850.00	2.02		
NET OF REVENUES & EXPENDITURES		0.00		0.00	64,046.63		64,046.63	(64,046.63)	100.00		

08/17/2023 09:45 AM
User: JOHN
DB: Westbranch City

BALANCE SHEET FOR WEST BRANCH
Period Ending 06/30/2023

Page: 1/1

Fund 248 DDA OPERATING FUND

GL Number	Description	Balance
*** Assets ***		
248-000.000-001.000	CASH CHECKING - CHEMICAL BANK	308,448.40
Total Assets		308,448.40
*** Liabilities ***		
248-000.000-202.000	ACCOUNTS PAYABLE	6,586.34
248-000.000-214.400	ESCROW ACCOUNT	800.00
Total Liabilities		7,386.34
*** Fund Balance ***		
248-000.000-390.000	CARRY OVER	203,236.69
Total Fund Balance		203,236.69
Beginning Fund Balance		203,236.69
Net of Revenues VS Expenditures		97,825.37
Ending Fund Balance		301,062.06
Total Liabilities And Fund Balance		308,448.40