

-- AGENDA --

SPECIAL MEETING OF THE WEST BRANCH CITY COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS AT WEST BRANCH CITY HALL, 121 N. FOURTH ST. ON MONDAY, JULY 29, 2019, BEGINNING AT 6:00 P.M.

PLEASE NOTE: All guests and parties in attendance are asked to sign in if they will be making any comments during meetings, so that the City Clerk may properly record your name in the minutes. Public comments are limited to 3 minutes in length while matters from the floor are limited to 10 minutes, unless you have signed in and requested additional speaking time, and that the request is then approved by either the Mayor or a majority vote of Council. All in attendance are asked to please remove hats and/or sunglasses during meetings and to silence all cell phones and other electronic devices. Accommodations are available upon request to those who require alternately formatted materials or auxiliary aids to ensure effective communication and access to City meetings or hearings. All request for accommodations should be made with as much advance notice as possible, typically at least 10 business days in advance by contacting City Clerk John Dantzer at (989) 345-0500. [DISCLAIMER: Views or opinions expressed by City Council Members or employees during meetings are those of the individuals speaking and do not represent the views or opinions of the City Council or the City as a whole.] [NOTICE: **Audio and/or video may be recorded at public meetings of the City Council.**]

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Public Hearing
- V. Additions to the agenda
- VI. Public Comment on Agenda Items Only (limited to 3 minutes)
- VII. Scheduled Matters from the Floor
- VIII. Bids
- IX. Unfinished Business
- X. New Business
 - A. Vacant Council seat process
 - B. Possible purchase of real property
- XI. Approval of the minutes and summary from the regular meeting held July 15, 2019
- XII. Consent Agenda (These items are considered routine and can be enacted in one motion)
- XIII. Communications
- XIV. Reports and/or comments
 - A. Mayor

B. Council

C. Manager

XV. Public comment any topic

XVI. Adjournment

UPCOMING MEETINGS

August 5 City Council – 6:00 pm

August 13 Planning Commission – 6:00 pm

August 19 City Council – 6:00 pm

August 27 DDA – 12:00 noon

5.5 RESIGNATIONS.

Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk.

5.6 FILLING VACANCIES IN ELECTIVE OFFICE.

(a) In the event of a vacancy in the office of any member of City Council, the remaining members by majority vote shall appoint within thirty (30) days a qualified person to fill the balance of the original unexpired term; provided, however, that if the period remaining of such term is ninety (90) days or less no appointment shall be made.

(b) If any vacancy in the office of Councilman which the Council is authorized to fill is not so filled within thirty (30) days after such vacancy occurs, or if three or more vacancies exist simultaneously in the office of Councilman, such vacancies shall be filled for the balance of the respective unexpired terms at a special election. In connection with any special election to fill a vacancy or vacancies in any elective office candidates shall be nominated by petition in a manner identical to that provided in Sections 3.7 to 3.10, inclusive; the names of all qualified candidates who file sufficient valid nomination petitions thirty (30) days before such special election shall be certified to the Election Commission and placed on the ballot; and all other provisions of this Charter not inconsistent with this Section 5.6 shall govern.

(c) Candidates elected to fill a vacancy at a special election shall take office immediately upon certification by the Board of Canvassers.

(d) The provisions of this Section 5.6. shall not apply to the filling of vacancies resulting from recall.

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET ON MONDAY, JULY 15, 2019.

Mayor Paul Frechette called the meeting to order at 6:02 p.m.

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

Absent: Council Member Mike Jackson

Other officers present: City Manager Frank Goodroe, Clerk/Treasurer John Dantzer, DPW Superintendent Mike Killackey, Police Chief Ken Walters, Planning Commission Vice Chairperson Bob David, and DDA Chairperson Samantha Fabbri.

All stood for the Pledge of Allegiance.

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As an addition to the agenda, an offer was submitted from Dan Zettel to hay the property that was just purchased off of M-30 in the amount of \$500. Because of the time table with needing to get the hay removed and it getting close to being not useable, it was the consensus not to go out to bids.

MOTION BY BENNETT, SECOND BY ZIMMERMAN, TO CONTRACT WITH DAN ZETTEL TO ALLOW HIM TO HAY THE PROPERTY FOR THE AMOUNT OF \$500 FOR THE 2019 HAYING SEASON.

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

No – None

Absent – Jackson

Motion carried+

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As another addition to the agenda, an application for membership in the Michigan Association of Managers in the amount of \$85 was submitted.

MOTION BY ZIMMERMAN, SECOND BY PUGH, TO APPROVE THE APPLICATION TO THE MICHIGAN ASSOCIATION OF MANAGERS.

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

No – None

Absent – Jackson

Motion carried

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MOTION BY FRECHETTE, SECOND BY BENNETT, TO EXCUSE MEMBER MIKE JACKSON FROM THE MEETING DUE TO AN ILLNESS.

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

No – None

Absent – Jackson

Motion carried+

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City Manager Goodroe gave a Manager's report that dealt with salary adjustments, blight reports, announced Samantha Fabbri has been selected as the new Project Rising Tide fellow, updated Council on the water line issue that took place at McLaren Health Center and noted a small bonus will be given to the public works employees that responded to the emergency, noted an upcoming Mainstreet training event, reminded everyone of the upcoming Chamber of Commerce Business after Hours event, spoke on a generator project he will be looking at, gave a window and door replacement update for City Hall, updated the new cleaner position process, and noted he will be looking at a summer picnic.

MOTION BY FRECHETTE, SECOND BY BENNETT, TO INCLUDE KELLI COLLINS IN THE BONUS FOR THE WORK DUE TO THE WATER LINE BREAK.

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

No – None

Absent – Jackson

Motion carried

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Member Ehinger noted the recent passing of long time police secretary Agnes Wymer. It was noted that she has requested donations made in her memory to the City Police safety fund. In addition, Member Ehinger noted the need for a recognition for her years of service. Mayor Frechette shared his condolences on behalf of the City.

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MOTION BY BENNETT, SECOND BY WEILER, TO PAY BILLS IN THE AMOUNT OF \$101,666.95.

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

No – None

Absent – Jackson

Motion carried

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MOTION BY PUGH, SECOND BY EHINGER, TO APPROVE THE SECOND READING OF ORDINANCE 19-02

CITY OF WEST BRANCH
COUNTY OF OGEMAW, STATE MICHIGAN
ORDINANCE NO. 19-02

ORDINANCE TO PROHIBIT MARIJUANA ESTABLISHMENTS

The City of West Branch Ordains:

§115.01 *Title*. This ordinance shall be known as the City of West Branch Ordinance to Prohibit Marijuana Establishments.

§115.02 *Definitions*. This ordinance shall have the definitions as provided for in the Michigan Regulation and Taxation of Marijuana Act, (“MRTMA”), 2018 IL 1, MCL 333.27951, *et seq.*, as may be amended from time to time.

§115.03 *Marijuana Establishments Prohibited*. Pursuant to Section 6 of the MRTMA, marijuana establishments are prohibited within the boundaries of the City of West Branch.

§115.04 *Violation*. Any person who disobeys, neglects, or refuses to comply with any provision of this Ordinance, or causes, allows, or consents to any of the same, shall be deemed to be responsible for a Violation of this Ordinance. Each day that a violation continues shall constitute a separate violation. Violation of this Ordinance is a Municipal Civil Infraction, pursuant to §10.99 of the City of West Branch Code of Ordinances. In addition, the City may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief provided by law.

§115.05 *Violation Deemed Nuisance Per Se*. A violation of this Ordinance is deemed a Nuisance Per Se.

§115.06 *Severability. Rights Unaffected by this Ordinance*. The invalidity of any clause, sentence, paragraph, or any part of this Ordinance shall not affect the validity of the remaining parts of this Ordinance. This Ordinance shall not affect the rights or privileges of any individual or other personal preserved under the MRTMA.

§115.07 *Effective Date*. This Ordinance shall take effect July 31, 2019.

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

No – None

Absent – Jackson

Motion carried

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MOTION BY ZIMMERMAN, SECOND BY PUGH, TO APPROVE RESOLUTION 19-15

RESOLUTION #19-15

WHEREAS, The West Branch/Rose City Area School district requested that the City Council take steps to change Thomas St. to not allow vehicle entry from State St., and

WHEREAS, the West Branch City Council, at their regular meeting of July 1, 2019 held a public hearing to consider the request to not allow entry onto Thomas St. from State St, and

WHEREAS, the City Council believes the request will improve the drop off procedure and make it safer for students at Surline Elementary School, and

WHEREAS, the City of West Branch is empowered to approve a traffic control order pursuant to section 71 of the Michigan Vehicle Code, and

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council approves the traffic order to not allow entry onto Thomas St. from State St. and instruct the City Clerk to record the permanent traffic order.

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

No – None

Absent – Jackson

Motion carried

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A discussion was held on nominees for the MML Workers Compensation Fund Board of Trustees

MOTION BY EHINGER, SECOND BY PUGH, TO APPROVE THE VOTE FOR DEVIN OLSON, ADAM SMITH, AND DAVID TOSSAVA FOR THE MML WORKERS COMPENSATION FUND BOARD OF TRUSTEES.

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

No – None

Absent – Jackson

Motion carried

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MOTION BY BENNETT, SECOND BY ZIMMERMAN, TO APPROVE THE MINUTES AND SUMMARY FROM THE REGULAR MEETING HELD JULY 1, 2019

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

No – None

Absent – Jackson

Motion carried

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MOTION BY ZIMMERMAN, SECOND BY BENNETT, TO RECEIVE AND FILE THE TREASURER'S REPORT AND INVESTMENT SUMMARY, THE MINUTES FROM THE WASTEWATER TREATMENT PLANT AUTHORITY MEETING HELD MARCH 19, 2019, THE JUNE POLICE REPORT, AND THE MINUTES FROM THE DDA MEETING HELD JUNE 25, 2019.

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

No – None

Absent – Jackson

Motion carried

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Manager Goodroe spoke on the recent 911 warrant communication and the issue that 911 is going to charge for warrant services. It was his recommendation to attend their upcoming meeting and address their concern on this issue

MOTION BY BENNETT, SECOND BY EHINGER, TO NOT ACCEPT THE FEE FROM THE 911 AUTHORITY ON WARRANT ENTRY BUT TO CONTINUE TO USE THEIR WARRANT SERVICES.

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

No – None

Absent – Jackson

Motion carried

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MOTION BY FRECHETTE, SECOND BY BENNETT, TO APPOINT RUSTY SHOWALTER TO THE PLANNING COMMISSION WITH A TERM TO EXPIRE 11/30/20 AND TO APPOINT CHRIS POWLEY TO THE PLANNING COMMISSION WITH A TERM TO EXPIRE 11/30/19.

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

No – None

Absent – Jackson

Motion carried

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Member Bennett spoke on the recent Michigan Land Bank meeting and the large turnout for that meeting.

Member Ehinger noted his resignation from the City Council and the Airport Board for personal reasons.

Mayor Frechette thanked Member Ehinger for his many years of service

MOTION BY FRECHETTE, SECOND BY ZIMMERMAN, TO ACCEPT WITH REGRET THE RESIGNATION OF COUNCIL MEMBER WILLIAM EHINGER.

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

No – None

Absent – Jackson

Motion carried

Member Pugh noted what a great job the youth theater group did on their recent play and also noted that the high school theater group will be putting on shows in the upcoming school year.

Member Zimmerman noted she was not happy to see Member Ehinger go and spoke on the enjoyment she has had on Council. She further noted the positive words she has heard about the City staff and how confident the community feels in the staff. Member Pugh echoed her statements.

Manager Goodroe reminded Council on the upcoming MML conference.

Superintendent Killackey updated Council on the City asphalt jobs.

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Pete Fabbri noted his agreement that there is a feeling of confidence with current City staff. Mr. Fabbri noted his respect and thanked Member Ehinger for all of his years of service to the community.

Samantha Fabbri noted her agreement with Mr. Fabbri and noted her excitement in starting her new position as Rising Tide Fellow.

Rusty Showalter thanked Council for the opportunity to serve the City on the Planning Commission. Mr. Showalter also thanked Mr. Ehinger for his years of service and gave some tips on the MML convention.

Joe Clark noted that he has also heard a lot of positive comments on the City.

Bob David thanked Member Ehinger for his service.

Eric Young asked questions on the marijuana ordinance and Clerk Dantzer noted the new ordinance would go into effect 15 days from the meeting.

Mayor Frechette spoke on the upcoming appointment process.

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To honor Member Ehinger for his years of service, Mayor Frechette authorized Member Ehinger to adjourn the meeting at 7:12 pm.

SUMMARY OF THE REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD MONDAY, JULY 15, 2019.

Mayor Frechette called the meeting to order at 6:02 pm.

Present: Mayor Frechette, Council Members Bennett, Ehinger, Pugh, Weiler and Zimmerman.

Absent: Council Member Jackson.

Other officers present: City Manager Goodroe, Clerk/Treasurer Dantzer, DPW Superintendent Killackey, Police Chief Walters, DDA Chair Fabbri, and Planning Vice-Chair David.

Council approved a contract with Dan Zettel to hay the City property off of M-30.

Council approved application to the Michigan Association of Managers.

Council excused Member Jackson from the meeting.

Manager Goodroe gave a City update.

Council approved a bonus for Kelli Collins.

Council offered condolences on the passing of longtime police secretary Agnes Wymer.

Council approved bills in the amount of \$101,666.95.

Council approved the second reading of Ordinance 19-02, an Ordinance to prohibit marijuana establishments.

Council approved resolution 19-15, a traffic control order for Thomas St.

Council approved their vote for the MML workers compensation board of trustees.

Council approved the minutes and summary from the meeting held July 1, 2019.

Council received and filed the treasurer's report and investment summary, the minutes from the Wastewater Treatment Plant Authority meeting held March 19, 2019, the June Police report, and the minutes from the DDA meeting held June 25, 2019.

Communications were shared.

Council voted not to accept the fee from the 911 authority on warrant entry.

Council approved Rusty Showalter and Chris Powley to the Planning Commission.

Mayor Frechette, Council Members Bennett, Ehinger, Pugh, Zimmerman, Manager Goodroe and DPW Superintendent Killackey gave a report.

Pete Fabbri, Samantha Fabbri, Rusty Showalter, Joe Clark, Bob David, and Eric Young addressed Council.

To honor Member Ehinger, Mayor Frechette had Member Ehinger adjourn the meeting at 7:12 pm.