

AGENDA

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL TO BE HELD IN PERSON AND VIRTUALLY AT WEST BRANCH CITY HALL, 121 N. FOURTH ST. ON MONDAY, AUGUST 21, 2023, 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. All in attendance are asked 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 Lori Ann Clover 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. Scheduled Matters from the Floor
 - A. County Update
- V. Public hearing
- VI. Additions to the agenda
- VII. Public comment on agenda items only (limited to 3 minutes)
- VIII. Bids
 - A. Sole Source Vendor Exception Request Masterplan Rewrite
- IX. Unfinished Business
 - A. Ordinance #23-01 Zoning Changes Enactment
 - B. MML Annual Meeting Notice – Voting Delegate
- X. New Business
 - A. Bills
 - B. Reschedule Labor Day Meeting
 - C. Resolution 23-23 FY2023 Budget Amendment
 - D. Selley's Cleaners price increase
 - E. City of West Branch's Title VI Non-Discrimination Plan
- XI. Approval of the minutes and summary from the regular meeting and closed session held August 7, 2023.
- XII. Consent Agenda
 - A. Treasurer's Report and Investment Summary
 - B. West Branch Police Department July 2023 Report
 - C. Ogemaw County Land Bank Authority minutes from the meeting held July 12, 2023
 - D. Zoning Board of Appeals minutes from the meeting held January 5, 2023

- XIII. Communications
 - A. Charter Communications

- XIV. Reports
 - A. Mayor
 - B. Council
 - C. Manager

- XV. Public comment any topic

- XVI. Adjournment

UPCOMING MEETINGS-EVENTS

August 22 DDA 12:00 pm
August 22 Planning 6:00 pm
September 4 City Council 6:00 pm (Labor Day)
September 12 Planning 6:00 pm
September 18 City Council 6:00 pm
September 19 WWTPA 3:30 pm
September 20 Airport Board 12:15 pm
September 26 DDA 12:00 pm

Sole Source Vendor Exception Request

for

Masterplan rewrite

from

NEMCOG

8/21/23

Pursuant to City Ordinance § 33.09 **SOLE SOURCE VENDORS**, “Supplies, materials, equipment and services may be purchased without formal bidding when the City Manager demonstrates in writing to the City Council that there is only one practical source for the supply, material, equipment or service.”

As such, City Manager, John Dantzer, is requesting City Council forego formal bidding and approve the proposal for the Masterplan rewrite to the North East Michigan Council of Governments (NEMCOG) based on the following reasons:

- NEMCOG worked with the City on the full rewrite five years ago so they have a strong understanding of the City which would eliminate the need for a lot of initial information gathering meetings which would be required with a new consulting group, therefore saving the City money.
- NEMCOG currently has all of the City’s property descriptions and zoning maps developed so changes required to either the current or future use zoning map would be simple and therefore less costly.
- The City currently already has a service contract in place to have work done at an agreed upon per hour price.

Thank you.

City Manager John Dantzer

Activity	Cost*
Demographics & Residential	2,100
Existing Land Use**	2,100 (this one might actually cost less than this - so we only charge for actual hours)
Goals, Objectives & Action Items	700
One meeting + mileage (if needed)	560
Compile final plan (clean copy)	350
Legal Transmittals	500
Admin	500

This is a "not to exceed" cost. The existing land use and demographics might take less time
6,810 than what is budgeted. The estimate is based on time spent from previous communities

TOTAL

(EXTRA MEETINGS: \$560 EACH (MEETING\TRAVEL TIME + MILEAGE)

***Based on non-member \$100/hour rate.**
(Member rates is \$85/hour + annual dues)

****Need updated parcel layer with parcel numbers** in addition to tax roll export

(Printed copies of plan are \$20 each)

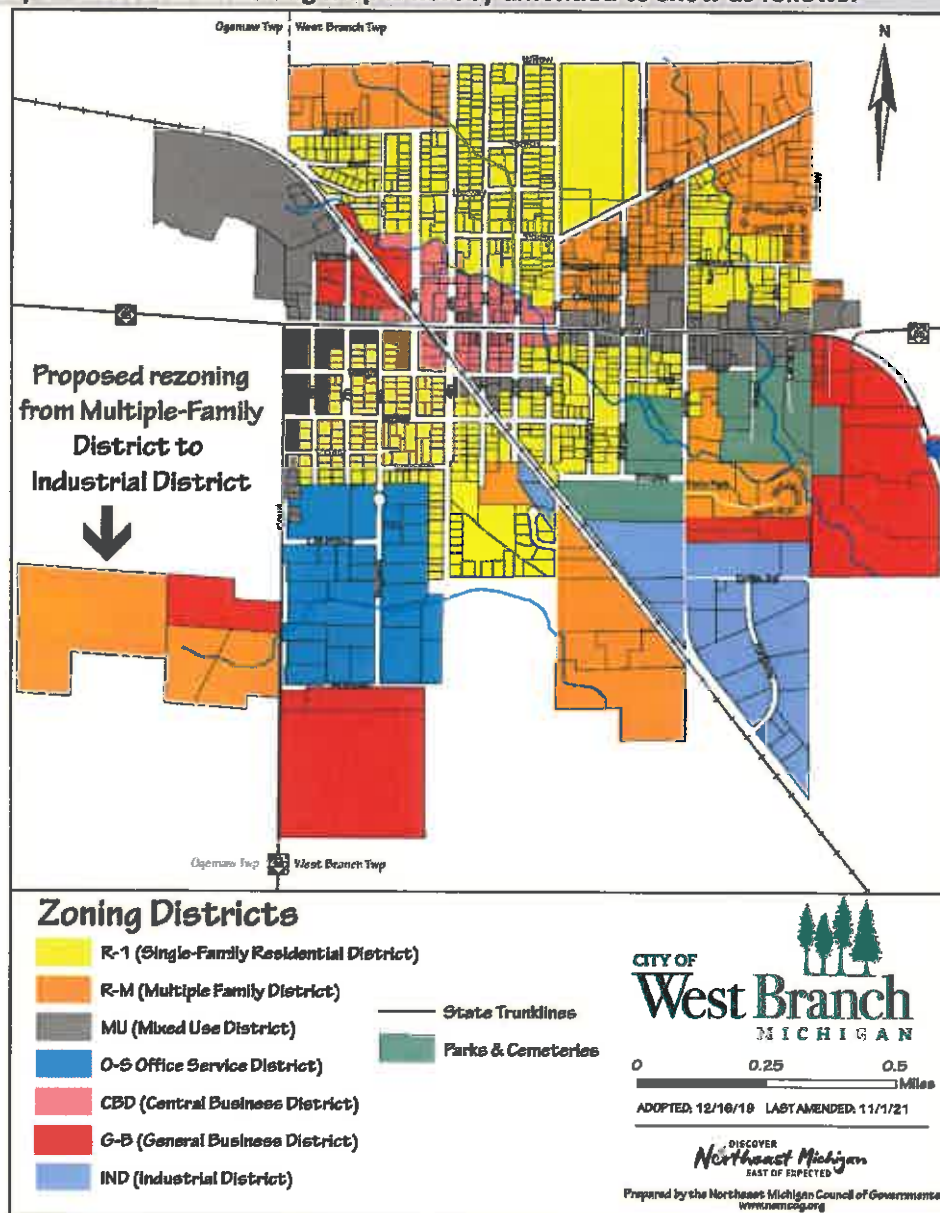
**City of West Branch
Ordinance No. 23-01 of 2023**

AN ORDINANCE TO AMEND THE CITY OF WEST BRANCH ZONING MAP TO REZONE PARCELS 052-625-002-01, 052-625-002-02, and 052-625-002-03 FROM MULTIPLE FAMILY DISTRICT TO INDUSTRIAL DISTRICT.

The City of West Branch, Ogemaw County, Michigan ordains:

Section 1: Amendments to the Zoning Ordinance.

That the City of West Branch Zoning Map is hereby amended to show as follows:



Section 2: Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The Village of Hillman Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

Mayor, City of West Branch

Clerk, City of West Branch

I, _____, Clerk for the City of West Branch, hereby certify that the foregoing is a true and correct copy of Ordinance No. ____ of 2023 of the City of West Branch, adopted by at a meeting of the City Council held on _____.

A copy of the complete ordinance text may be inspected or purchased at the West Branch City Hall at 121 N. Fourth St. West Branch, MI.

Adopted: _____ Published: _____ Effective: _____, subject to PA 110 of 2006 as amended.

SPECIAL MEETING OF THE WEST BRANCH PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, ON TUESDAY, JULY 25, 2023.

Vice Chairperson David called the meeting to order at 6:00 p.m.

Present: Bob David, Yvonne DeRoso, Kara Fachting, Mike Jackson, and Rusty Showalter.

Absent: Josh Erickson and Cori Lucynski

Others officers in attendance: Acting secretary/zoning administrator, John Dantzer

All stood for the Pledge of Allegiance.

At 6:06 pm Vice Chairperson Bod David opened the public hearing to take comment on the proposed changes to the zoning ordinance which would rezone property ID #s 052-625-002-01, 052-625-002-02, 052-625-002-03 from multi-family to industrial.

C. Edward Liang asked what brought about the need for the rezoning for that area. Secretary/administrator Dantzer explained the property was originally planned for a housing development. The developer the City was working with backed out of the plans due to cost and the City has been unable to find anyone else that was interested in a large scale housing development. Since then, the City was approached by a manufacturing firm looking to expand. The City discussed the next best thing to bringing in more housing was bringing in more jobs. Mr. Liang noted he had no concerns and thought it was a great idea and was in favor of it because it would benefit the community by creating jobs for the area.

A letter was shared from William Carey of the Carey Jaskowski Law Firm on behalf of the Brook of West Branch noting their opposition to the change noting concern for the quality of life for the residents of the Brook and concern that it could negatively impact their property values.

Member Showalter noted he believed it is a great opportunity for growth in the City.

Member DeRoso noted there could be a buffer as part of the agreement with the manufacturing developer.

Member Fachting noted the increased activity could give the residents at the Brook more things to watch as they are sitting out.

No one else wished to speak on the subject.

MOTION BY DEROSO, SECOND BY JACKSON, TO CLOSE THE PUBLIC HEARING.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None Absent –Erickson, Lucynski Motion carried

MOTION BY DAVID, SECOND BY FACHTING, TO APPROVE THE MINUTES FROM THE MEETING HELD MAY 9, 2023.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None Absent –Erickson, Lucynski Motion carried

A sign variance was reviewed for Richard Spies of the West Branch Pharmacy. Mr. Spies was asking for a variance to increase the height from 6' to 8'4" and to allow a total square footage of 40 sf. Zoning Administrator/secretary Dantzer noted there is a grey area in the sign ordinance that deals with message board types signs and monument signs. The ordinance has square footage of each type of sign that is allowed in each district but doesn't state what to do if there is a combination of both types of signs. The board discussed that while the building is in the mixed use district it was in a commercial area and was located adjacent to the general commercial district. They noted they did not see any safety issues nor would it have any negative affect on neighboring properties. It was the consensus to discuss the grey area further during a future update.

MOTION BY FACHTING, SECOND BY JACKSON, TO APPROVE THE SIGN VARIANCE AS REQUESTED AND ALLOW A TOTAL HEIGHT OF 8'4" AND 40 TOTAL SF OF SIGN.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None Absent –Erickson, Lucynski Motion carried

The Commission went over the Masterplan and discussed any changes that needed to be made. Zoning Administrator Dantzer noted they are scheduled for a complete update in 2024.

MOTION BY FACHTING, SECOND BY JACKSON, THAT THEY DID NOT HAVE ANY UPDATES TO THE MASTERPLAN FOR 2022.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None Absent –Erickson, Lucynski Motion carried

Member DeRoso noted she would need to abstain from the vote on the rezoning change due to a conflict of interest.

MOTION BY JACKSON, SECOND BY SHOWALTER, TO ALLOW MEMBER DEROSO TO ABSTAIN ON THE REZONING CHANGE.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None

Absent –Erickson, Lucynski

Motion carried

The Commission further discussed the potential change from multi family to industrial for the property noted in the public hearing.

Vice Chairperson David noted he was in favor of the rezoning with a greenbelt barrier. Member Fachting noted her concern that using trees or other types of greenbelts don't always hold up over time. The location of the greenbelt to provide the most protection was discussed and it was determined it made the most sense to have the greenbelt on City owned property which would make keeping up on the greenbelt easier because they would not have to rely on other property owners for the maintenance of it.

The Commission went over the future plans for the manufacturing company and noted there would be a large distance between the Brook and their buildings.

The Commission recommended reaching out to the owners of the Brook to discuss the plans. Secretary/Administrator Dantzer noted he was working on setting up a meeting.

Member Fachting noted her only concern was the trucks may use jake breaking which is noisy. It was discussed the trucks typically only run during the day and not at night.

MOTION BY DAVID, SECOND BY JACKSON, TO RECOMMEND TO COUNCIL THE APPROVAL OF THE REZONING WITH A GREEN BELT TO BE REQUIRED BETWEEN THE INDUSTRIAL PROPERTY AND THE BROOK.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None

Absent –Erickson, Lucynski

Motion carried

The Commission discussed the potential redevelopment of the old bicycle factory located at 201 N. Eighth St. It was noted that the developer did have an application for a Brownfield grant to help with the environmental review.

MOTION BY FACHTING, SECOND BY JACKSON, TO OFFER THEIR SUPPORT FOR THE BROWNFIELD GRANT FOR THE OLD BICYCLE FACTORY AT 201 N. EIGHT ST.

Yes — David, DeRoso, Fachting, Jackson, Showalter

No – None

Absent –Erickson, Lucynski

Motion carried

Vice Chairperson David noted how well the City looked this summer and commended the City staff for their work.

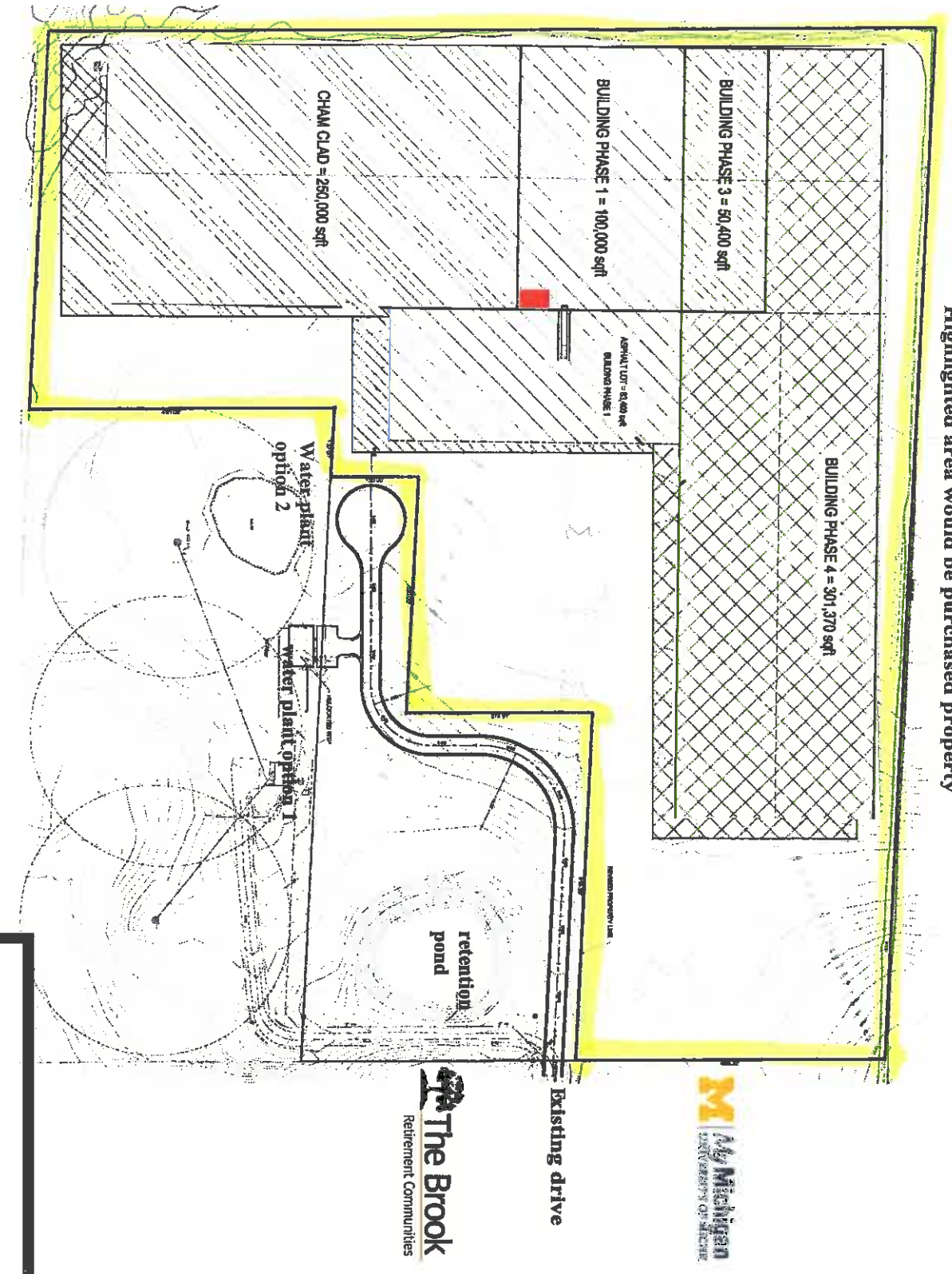
Member DeRoso gave an update on local real estate transactions in town noting the condo off of Fariview was finished and they had an open house, the condo in W. River Park was started, and she was working on a closing for the bicycle factory. She also noted she was looking at trying to develop a county housing commission to work on housing needs.

Member Fachting addressed wild turkey concerns within the City.

Secretary/Administrator Dantzer noted he did not have anything to address currently for the regular meeting on Aug 8th but did have a special use request that could be held during the time reserved for the second meeting of the month. It was the consensus of the Commission to cancel the Aug 8th meeting and only hold a meeting on Aug 22nd.

Vice Chairperson David closed the meeting at 7:09 pm

Highlighted area would be purchased property





July 21, 2023

John Dantzer, City Manager
City of West Branch
121 North Fourth Street
West Branch, MI 48661

Re: Rezoning of Parcel No. 052-625-002-01; 052-625-002-02 & 052-625-002-03

Dear Mr. Dantzer:

I write the instant correspondence as legal representative of The Brook of West Branch, Inc. and M-30 Limited Partnership. The Limited Partnership owns parcel 052-625-001-10. The Limited Partnership leases the building and properties located on the parcel to The Brook of West Branch. The Brook of West Branch operates an assisted and independent living facility on the parcel. The assisted and independent living facility has operated continuously at this site since May 1, 2003.

Recently, M-30 Limited Partnership received notice that the City of West Branch Planning Commission was recommending adoption of Ordinance 23-01, the purpose of which is to amend the zoning classification of the properties referenced above. From the notice it appears that the Planning Commission will be recommending to the City Council that the three parcels referenced above undergo a zoning reclassification from R-M to IND. Both The Brook of West Branch and M-30 Limited Partnership object to this recommendation. The net result of this recommendation is to encourage industrial development immediately adjacent to senior housing. If the parcels westerly and adjacent to The Brook of West Branch are developed for industrial activity, the quality of life for a substantial number of Ogemaw County senior citizens will be needlessly damaged.

The change of zoning from an R-M District to an IND District without transitional uses or a buffer is simply bad planning. We would encourage the City Council to develop a transitional zoning use over the east half of the parcels affected by the proposed rezoning classification. Separating senior housing from an industrial district is a better option for all concerned.

In addition to the disruption the residents of The Brook of West Branch will suffer (if they are made to live next door to industrial activity), the City of West Branch will also be detrimentally affected. A rezoning to industrial use will have an immediate, and negative, impact on the property values of M-30 Limited Partnership. The negative reduction in value will reduce the assessed value of the M-30 property.

CAREY JASKOWSKI PLC

July 21, 2023

Page 2

We urge the City Council to reject the recommendation of the Planning Commission as set forth in the notice referenced above. We would encourage the City Council to return the proposal to the Planning Commission for consideration of a buffer or transition zone between The Brook of West Branch and any property rezoned industrial.

We want the Planning Commission and the City Council to clearly understand our strong objections to the current rezoning proposal. Should the City Council not reject the recommendation of the Planning Commission as set forth in the notice, M-30 Limited Partnership and The Brook of West Branch will take all lawful and reasonable steps to protect their property interests.

Please ensure that this correspondence is submitted into the appropriate record as our objections. Please contact me with any questions you may have.

Sincerely,

CAREY JASKOWSKI PLC



William L. Carey
Attorney at Law
wcarey@carey-jaskowski.com

WLC:st

Encls.

cc: Mayor Paul Frechette
Clients
File

Sec. 15-311. Buffering regulations.

- (a) *Intent.* The intent and purpose of the buffer zone is to protect residential uses from the negative impacts associated with nonresidential uses where residential and nonresidential uses abut. These negative impacts include noise, debris, odors, dust, dirt, traffic, soil erosion, rainwater runoff and in some cases visible aspects of the abutting use. The buffer zone is also intended to prevent and improve blight in both residential and commercial areas by encouraging improvements to uses that abut residential districts. The objectives of this approach are:
- (1) To give the planning commission and the proponent as much opportunity to achieve the regulations by any suitable means.
 - (2) To encourage business owners to continue to invest in commercial improvements, including relocating on lots where a strict interpretation of the distance requirement cannot be met.
- (b) *When required.* Buffers are required for nonresidential property on the side which abuts residentially-zoned property or any residential use. Buffers are required even when the residentially-zoned adjacent lot is unimproved. A buffer will be required when any nonresidential use is expanded by way of an addition or demolition or a special land use approval is requested or a site plan review is requested. Otherwise, buffers are not required on commercial lots that are already developed as such. A buffer may consist of both physical distance separation and a physical sight, sound and odor separation as described in this chapter by a fence, wall or screen.
- (c) *Criteria.*
- (1) Prior to site plan review by the planning commission, the zoning administrator shall make recommendations, if requested by the developer, as to the character of the buffer that may be required at the site.
 - (2) The planning commission shall determine the character of the buffer based on the following criteria:
 - a. Traffic impact.
 - b. Increased building and parking lot coverage.
 - c. Increased outdoor sales, display and manufacturing area.
 - d. Physical characteristics of the site and surrounding area such as topography, vegetation, etc.
 - e. Visual, noise and air pollution levels.
 - f. Health, safety and welfare of the city.
 - (3) A buffer may consist of any or all of the following:
 - a. *Buffer area distance.* The distance required to be achieved between zones, in addition to the required yard on the side on which a residential district abuts a commercial or industrial districts, shall be according to the following table:

District	Distance Between Residential Zone or Use
I	45'
GC	30'
CBD	20'
O-S	20'

-
- b. *Landscape screen, fence, or wall.* Continuous rolling screen six feet in height comprised of plant material, screen walls or fences or any combination of these elements is required pursuant to the construction standards in subsection (d) of this section. Wall heights may vary as shown in subsection (d) of this section.

(d) *Construction standards.*

- (1) *Landscape screens and fences.* If a landscape screen or fence is used for all or part of the buffer area, then:
 - a. The equivalent of two shrubs are required per 30 feet of wall or fence with at least 50 percent being 24 inches high at the time of planting and none being less than 12 inches at the time of planting.
 - b. All required plants shall be placed on the side facing the exterior of the nonresidential property.
 - c. Two evergreen trees must be planted for every 30 linear feet.
 - d. Continuous rolling screen at least six feet in height comprised of plant material, screen walls or fences, or any combination of these elements is required.

The planning commission may modify these requirements based on the site plan submitted.

- (2) *Walls.* If a wall is used for all or part of the buffer then, for those districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below.
 - a. Off-street parking area requirements: Four-foot, six-inch-high wall.
 - b. O-S, CBD, G-B district requirements: Four-foot, six-inch-high wall.
 - c. IND district (open storage areas, loading and unloading areas and service areas) requirements: five-foot-high to eight-foot-high wall.

(3) *General standards.*

- a. Required screening fences and walls shall be located on the lot line except where underground utilities interfere or in cases where the planning commission approves another location. The planning commission may approve screening fences and walls to extend to the front lot line. Required screening fences and walls may, upon approval of the planning commission, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required fences or wall on a given block will be a major consideration of the planning commission in reviewing such request.
- b. Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as such openings as may be approved by the zoning administrator. All walls herein required shall be constructed of materials approved by the zoning administrator to be durable, weather resistant, rust proof and easily maintained; and wood or wood products shall be specifically excluded.
- c. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of 42 inches below a grade approved by the zoning administrator and shall not be less than four inches wider than the walls to be erected.
- d. Masonry walls may be constructed with openings above 32 inches above grade, provided such openings are not larger than 64 square inches, provided that the openings shall be so spaced as to maintain the obscuring character required, and shall not reduce the minimum wall height requirement.

-
- e. All areas outside of planting beds shall be covered with grass or other living ground cover.
 - f. Buffers are required to extend into the front yard area but shall not be closer to a road right-of-way than 15 feet. The planning commission may require the buffer to extend to the road right-of-way if it deems it necessary to accomplish the intent of this chapter.
 - g. All plantings including grass must be maintained in good healthy condition and must be replaced if they should die at any time.
 - h. Buffer areas must be designed by a person who is a licensed landscaper, certified landscape designer, engineer or architect. A drawing of all required landscaping, top and side profile, must be submitted to the planning commission for review prior to site plan approval.
 - i. The planning commission may require a performance bond, cash, irrevocable letter of credit, or other similar financial assurance satisfactory to the city. All financial deposits must be deposited with the city prior to the issuance of a building permit, in the amount of the planning commission's estimated cost of installing landscaping on a parcel and shall be held until all approved landscaping is installed. If landscaping is not installed in accordance with the approved site plan as determined solely by the city, the deposited financial assurance may be used to install the required landscaping and only any unused portion thereof will be returned.

(Ord. of 12-16-2019, § 3.20)

July 10, 2023

Michigan Municipal League Annual Meeting Notice

(Please present at the next Council, Commission or Board Meeting)

Dear Official:

The Michigan Municipal League Annual Convention will be held in Traverse City, October 18-20, 2023. The League's "**Annual Meeting**" is scheduled for 4:30 pm on Wednesday, October 18 in Governors' Hall A at the Grand Traverse Resort & Spa. The meeting will be held for the following purposes:

1. **Election of Trustees.** To elect five members of the Board of Trustees for terms of four years each (see #1 on page 2).
2. **Policy.** A) **To vote on the Core Legislative Principles document.**

In regard to the proposed League Core Legislative Principles, the document is available on the League website at <https://mml.org/resources-research/delegate/>. If you would like to receive a copy of the proposed principles by fax, please call Monica Drukis at the League at 800-653-2483.

B) If the League Board of Trustees has presented any resolutions to the membership, they also will be voted on. (See #2 on page 2.)

In regard to resolutions, member municipalities planning on submitting resolutions for consideration by the League Trustees are reminded that under the Bylaws, they must be submitted to the Trustees for their review by **September 18, 2023.**

3. **Other Business.** To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the Annual Meeting, and, if possible, to designate one other official to serve as alternate. Please submit this information through the League website by visiting <https://mml.org/resources-research/delegate/> **no later than September 18, 2023.**



We love where you live.

Regarding the designation of an official representative of the member to the annual meeting, please note the following section of the League Bylaws:

"Section 4.4 - Votes of Members. Each member shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary Members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative."

1. Election of Trustees

Regarding election of Trustees, under Section 5.3 of the League Bylaws, five members of the Board of Trustees will be elected at the annual meeting for a term of four years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on a board at the registration desk at least four hours before the hour of the business meeting.

2. Statements of Policy and Resolutions

Regarding consideration of resolutions and statements of policy, under Section 4.5 of the League Bylaws, the Board of Trustees acts as the Resolutions Committee, and "no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is either (1) submitted to the meeting by the Board of Trustees, or (2) submitted in writing to the Board of Trustees by resolution of the governing body of a member at least thirty (30) days preceding the date of the annual meeting." Thus, the deadline this year for the League to receive resolutions is **September 18, 2023**. Please submit resolutions to the attention of Daniel P. Gilmartin, Executive Director/CEO at 1675 Green Rd., Ann Arbor, MI 48105. **Any resolution submitted by a member municipality will go to the League Board of Trustees, serving as the resolutions committee under the Bylaws, which may present it to the membership at the Annual Meeting or refer it to the appropriate policy committee for additional action.**

Further, "Every proposed resolution submitted to the Board of Trustees by a member shall be stated in clear and concise language and shall be accompanied by a statement setting forth the reasons for recommending the proposed resolution. The Board shall consider the proposal at a Board meeting prior to the next annual meeting and, after consideration, shall make a recommendation as to the advisability of adopting each such resolution or a modification thereof.



3. Posting of Proposed Resolutions and Core Legislative Principles

The proposed Michigan Municipal League Core Legislative Principles and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be available on the League website, or at the League registration desk to permit governing bodies of member communities to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the Annual Meeting.

The Board of Trustees will meet on Tuesday, October 17, 2023 at the Grand Traverse Resort & Spa for the purpose of considering such other matters as may be requested by the membership, in addition to other agenda items.

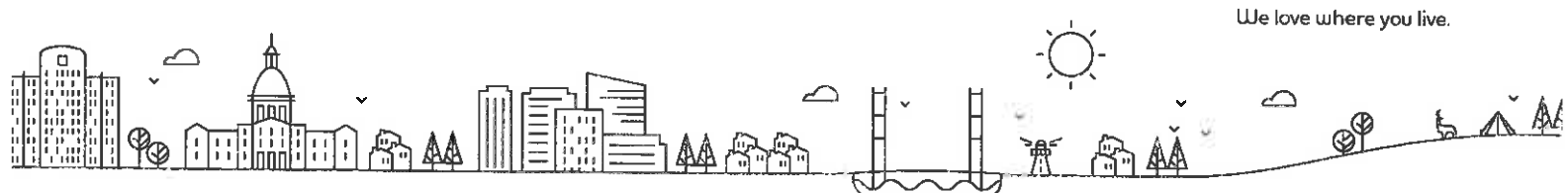
Sincerely,



Barbara Ziarko
President
Councilmember, City of Sterling Heights



Daniel P. Gilmartin
Executive Director & CEO



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

BILLS	\$75,339.67
<i>BILLS AS OF 8/18/23</i>	<i>\$75,339.67</i>
<i>Additions to Bills as of</i>	<i>\$0</i>
<i>Paid but not approved</i>	<i>\$58,711.01</i>
TOTAL BILLS	\$134,050.68

**BILLS ARE AVAILABLE
AT THE MEETING
FOR COUNCIL'S REVIEW**

Vendor Name	Amount	Description
BANNING ELECTRIC	495.00	REPAIR NOON WHISTLE
BECKETT & RAEDER	5,347.50	DDA STREETSCAPE
BUNTING SAND & GRAVEL PRO INC	134.00	SAND
CATT'S REALTY	34.11	UB RECEIPT REFUND ACCT #: 001726
CHERRY ROAD MEDIA	317.43	ADS
CONSUMERS ENERGY	8,352.50	ELECTRIC
ENVIRONMENTAL SYSTEMS RESEARCH INST	440.00	GIS ANNUAL FEE
FIRST ADVANTAGE OCCUP HEALTH SVC GR	356.79	BUHLMAN DRUG TESTING
FOSTER BLUE WATER OIL LLC	3,331.47	FUEL JULY
GFL ENVIRONMENTAL	12,041.33	GARBAGE SERVICE AUGUST
HUTSON INC	38.86	DPW PARTS
MESSA	20,081.59	HEALTH INSURANCE SEPTEMBER
MESSA	1,013.32	HEALTH INSURANCE SEPT
NORTH CENTRAL FEED & SUPPLY	78.00	DPW SUPPLIES
NORTHERN MOW & TRIM	210.00	MOWINGS
OGEMAW COUNTY EQUALIZATION	4,605.03	ANNUAL TAX PREP
ON DUTY GEAR LLC	374.96	POLICE UNIFORMS
ROSE CITY LUPTON CHAMBER	200.00	MOBILE STAGE DEPOSIT REFUND
SLC METERS LLC	7,555.23	WATER SUPPLIES
STATE OF MICHIGAN	32.00	WATER SAMPLES
UNUM LIFE INSURANCE CO OF AMERICA	1,194.23	LT ST DISABILITY & LIFE
UPS	38.51	WATER SHIPPING
VERIZON WIRELESS	277.47	CELLPHONES
WILLARD'S EQUIPMENT CO	790.34	DPW PARTS
WWTPA	7,730.00	ANNUAL TO TPA
WWTPA	270.00	BALANCE TO TPA
Total	75,339.67	

The first meeting in September falls on Labor Day and in past years Council has voted to reschedule the meeting because City Hall is closed due to it being recognized as a City holiday.

In 2016 – Meeting was moved to Tuesday

In 2017 – Meeting was moved to Tuesday

In 2018 – Meeting was moved to the following Monday and they had meetings two Mondays in a row.

In 2019 – Meeting was moved to Tuesday

In 2020- Meeting was moved to August 31

In 2021- Meeting was moved to Tuesday

In 2022 – Meeting was moved to Tuesday

RESOLUTION #23-23

WHEREAS, the West Branch City Planning Commission is required to approve a Masterplan every five year as required by the Michigan Planning Enabling Act; and

WHEREAS, the current Masterplan will expire at the end of 2023, and

WHEREAS, in the annual review of the Masterplan, it was determined that a partial rewrite and not just an update will be required, and

WHEREAS, the City has worked with the North East Michigan Council of Governments for past rewrites, and

WHEREAS, the partial rewrite for the Masterplan was not included in the original budget,

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council hereby adopts the following budget amendments:

GL NUMBER	DESCRIPTION	2023-24 CURRENT BUDGET	2023-24 AMENDED BUDGET
Fund 101 - GENERAL FUND			
Revenues			
TOTAL REVENUES		1,865,167.00	1,865,167.00
Expenditures			
Dept 101.000 - LEGISLATIVE			
Total Dept 101.000 - LEGISLATIVE		17,254.00	17,254.00
Dept 172.000 - CITY MANAGER'S OFFICE			
Total Dept 172.000 - CITY MANAGER'S OFFICE		140,433.00	140,433.00
Dept 201.000 - INTERNAL SERVICES			
Total Dept 201.000 - INTERNAL SERVICES		47,211.00	47,211.00
Dept 209.000 - PROPERTY ASSESSMENT REVIEW			
Total Dept 209.000 - PROPERTY ASSESSMENT REVIEW		13,912.00	13,912.00
Dept 215.000 - CITY CLERK			
Total Dept 215.000 - CITY CLERK		75,989.00	75,989.00
Dept 228.000 - TECHNOLOGY			

Total Dept 228.000 - TECHNOLOGY	16,000.00	16,000.00
Dept 253.000 - CITY TREASURER		
Total Dept 253.000 - CITY TREASURER	116,381.00	116,381.00
Dept 262.000 - ELECTIONS		
Total Dept 262.000 - ELECTIONS	7,441.00	7,441.00
Dept 265.000 - MUNICIPAL PROPERTIES		
Total Dept 265.000 - MUNICIPAL PROPERTIES	47,300.00	47,300.00
Dept 266.000 - LEGAL ASSISTANCE		
Total Dept 266.000 - LEGAL ASSISTANCE	47,300.00	47,300.00
Dept 284.000 - COMMUNITY PROMOTIONS		
Total Dept 284.000 - COMMUNITY PROMOTIONS	13,793.00	13,793.00
Dept 299.000 - CITY SERVICES		
Total Dept 299.000 - CITY SERVICES	53,995.00	53,995.00
Dept 301.000 - POLICE DEPARTMENT		
Total Dept 301.000 - POLICE DEPARTMENT	677,338.00	677,338.00
Dept 336.000 - FIRE		
Total Dept 336.000 - FIRE	28,139.00	28,139.00
Dept 345.000 - CROSSING GUARDS		
Total Dept 345.000 - CROSSING GUARDS	8,357.00	8,357.00
Dept 441.000 - PUBLIC WORKS DEPARTMENT		
Total Dept 441.000 - PUBLIC WORKS DEPARTMENT	143,112.00	143,112.00
Dept 528.000 - SOLID WASTE		
Total Dept 528.000 - SOLID WASTE	219,292.00	219,292.00
Dept 537.000 - AIRPORT		
Total Dept 537.000 - AIRPORT	54,445.00	54,445.00
Dept 721.000 - PLANNING AND ZONING		
101-721.000-703.700 SALARIES AND WAGES	2,100.00	2,100.00
101-721.000-714.700 MANDATORY MEDICARE	31.00	31.00
101-721.000-715.700 SOCIAL SECURITY (EMPLOYER)	130.00	130.00

101-721.000-720.700	WORKERS COMPENSATION PREMIUM	10.00	10.00
101-721.000-801.700	CONTRACTUAL SERVICES	0.00	6,800.00
101-721.000-865.700	PROFESSIONAL DEVELOPMENT	0.00	0.00
101-721.000-901.700	PRINTING AND PUBLISHING	215.00	215.00
101-721.000-956.700	EXPENSES	100.00	100.00
Total Dept 721.000 - PLANNING AND ZONING		2,586.00	9,386.00
Dept 728.000 - ECONOMIC DEVELOPMENT			
Total Dept 728.000 - ECONOMIC DEVELOPMENT		1,000.00	1,000.00
Dept 729.000 - CODE ENFORCEMENT			
Total Dept 729.000 - CODE ENFORCEMENT		0.00	0.00
Dept 751.000 - PARKS AND RECREATION			
Total Dept 751.000 - PARKS AND RECREATION		75,270.00	75,270.00
Dept 851.000 - INSURANCE AND RISK MANAGEMENT			
Total Dept 851.000 - INSURANCE AND RISK MANAGEMENT		15,750.00	15,750.00
Dept 965.000 - TRANSFERS			
Total Dept 965.000 - TRANSFERS		20,000.00	20,000.00
Dept 965.209 - TRANSFER TO CEMETERY			
Total Dept 965.209 - TRANSFER TO CEMETERY		20,310.00	20,310.00
TOTAL EXPENDITURES		1,862,608.00	1,869,408.00
Fund 101 - GENERAL FUND:			
TOTAL REVENUES		1,865,167.00	1,865,167.00
TOTAL EXPENDITURES		1,862,608.00	1,869,408.00
NET OF REVENUES & EXPENDITURES		2,559.00	(4,241.00)

Selly's Cleaners

July-22	69	\$1,282.03
August-22	70	\$1,300.23
September-22	59	\$1,100.03
October-23	48	\$899.83
November-22	59	\$1,100.03
December-22	52	\$927.63
January-23	62	\$1,154.63
February-23	65	\$1,209.23
March-23	63	\$1,172.83
April-23	66	\$1,227.43
May-23	59	\$1,100.03
June-23	69	\$1,282.03
total	741	\$13,755.96
avg	62	
Increase .25/1000	\$15.50	

CITY OF WEST BRANCH

TITLE VI

NON-DISCRIMINATION PLAN

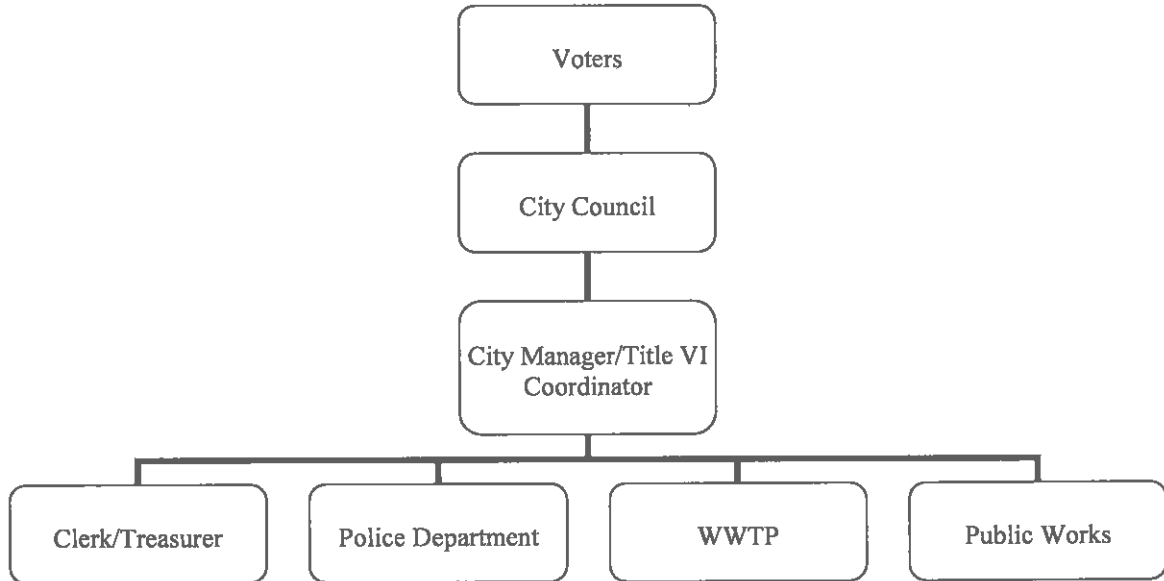
121 North 4th Street
West Branch, MI 48661
Phone: (989) 345-0500
Fax: (989) 345-4390
Website: www.westbranch.com

Title VI Coordinator:
John Dantzer, City Manager
Email: citymanager@westbranch.com

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CITY OF WEST BRANCH ORGANIZATION CHART



INTRODUCTION

The City of West Branch was organized in 1905 when the people of the Village of West Branch voted to incorporate to the now City of West Branch. According to the Ogemaw County Genealogical and Historical Society, West Branch was previously known as Logan's Mills in 1863. It later became West Branch when lumberjacks named it after the "west branch" of the Rifle River. The City of West Branch serves all people, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the City. The City of West Branch recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964, is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance." Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP)," provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of federal financial assistance, the City of West Branch must provide access to individuals with limited ability to speak, write, or understand the English language. The City will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause

adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the City of West Branch's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by the City's programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex, or disability;
3. To prevent discrimination in the City of West Branch's programs and activities, whether those programs and activities are federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex, or disability; or on minority populations, low-income populations, the elderly, and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in the City's services, programs or activities.

As a sub-recipient of federal transportation funds, the City of West Branch must comply with federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, national origin, sex, socio-economic status, or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of West Branch shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of West Branch, as a sub-recipient who distributes federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability, or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City of West Branch’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects, and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of West Branch has developed this Title VI Plan to assure that services, programs, and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age, or disability of the participants or beneficiaries of federally funded programs, services, or activities (see Title VI Assurances).

**CITY OF WEST BRANCH
NON-DISCRIMINATION POLICY STATEMENT**

The City of West Branch reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, national origin, religion, income, sex, sexual orientation, age, disability, political affiliation, or gender identity, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the City and its sub-recipients of federal funds shall not:

1. Deny any individual with any service, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual's receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color, or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English-speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a federally-funded service or benefit.

The City of West Branch will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City of West Branch designates City Manager, John Dantzer as the Title VI Coordinator. The City Manager will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of West Branch complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of West Branch and Title VI may be directed to:

John Dantzer
City Manager
121 N. Fourth St.
West Branch, MI 48661
Phone - 989-345-0500
Fax – 989-345-4390

Paul Frechette
Mayor

John Dantzer
City Manager/Title VI Coordinator

CITY OF WEST BRANCH TITLE VI ASSURANCES

The City of West Branch (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

"The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

City of West Branch

Paul Frechette, Mayor

Date

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

Federal Aid Highway Act of 1973, 23 USC 324: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973: No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

USDOT Order 1050.2: Standard Title VI Assurances

EO12250: Department of Justice Leadership and coordination of Non-discrimination Laws.

EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

28 CFR 50.3: Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

EO13166: Improving Access to Services for Persons with Limited English Proficiency.

DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the City’s programs, policies and activities

Federal Assistance – Includes grants and loans of federal funds; the grant or donation of federal property and interests in property; the detail of federal personnel, federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City.

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see <http://aspe.hhs.gov/poverty/>).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or

- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

ADMINISTRATION – GENERAL

The City of West Branch designates City Manager, John Dantzer as the Title VI Coordinator (hereinafter referred to as the “Title VI Coordinator”). Mr. Dantzer shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The City does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the Act. The reviews will entail examination of the recipients’ adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5th.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable, and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to the City employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI

language in contracts and publishing the City's Title VI Plan within 90 days of approval on the main page of the City of West Branch's internet website, at www.westbranch.com.

Remedial Action: The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

LIMITED ENGLISH PROFICIENCY (LEP)

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiencyⁱ, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounterⁱⁱ. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, “LEP,” or Limited English Proficient. The Executive Order states that:

“Each federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency’s programs and activities.”

Not only do all federal agencies have to develop LEP plans as a condition of receiving federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient’s entire program or activity. This means all parts of a recipient’s operations are covered, even if only one part of a recipient’s organization receives the federal assistance. Simply put, any organization that receives federal financial assistance is required to follow this Executive Order.

The City of West Branch receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients’ responsibilities to Limited English Proficient Person* in the December 14th, 2005 Federal Register.ⁱⁱⁱ

The Guidance implies that the City of West Branch is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage

extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing an LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City of West Branch and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of West Branch services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons.

As seen in Table #1, the Census 2020 Data for the City of West Branch shows a small number of the population that speak English less than 'very well.'

TABLE #1

LANGUAGE SPOKEN AT HOME	# of Individuals	Percentage
Population 5 years and over	2,002	
English only	1,862	93.0%
Language other than English	140	7.0%
Speak English less than "very well"	36	1.8%
Spanish	36	1.8%
Speak English less than "very well"	0	0.0%
German or other West Germanic	6	0.3%
Speak English less than "very well"	0	0.0%
Russian Polish, or other Slavic	15	.8%
Speak English less than "very well"	5	.2%
Other Indo-European languages	75	3.7%
Speak English less than "very well"	27	1.3%
Asian and Pacific Islander languages	8	.4%

Speak English less than "very well"	4	0.2%
Other languages	0	0.0%
Speak English less than "very well"	0	0.0%

Factor 2: Frequency of Contact with LEP Individuals

The City has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that they have not had encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals. We also have staff that work in the field that could encounter LEP individuals. Additionally, regular Council meetings are held the first and third Monday of every month which would potentially bring LEP individuals to these meetings. Given the number of LEP individuals, as displayed in Table #1 (above), the probability of our employees to encounter an LEP individual is low.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The City of West Branch serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections, and other services to residents and other individuals, such as visitors and those traversing the state. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore, the denial of services to an LEP individual could have a significant detrimental effect. Given the number of LEP individuals in the City, we will ensure accessibility to all of our programs, services, and activities.

Factor 4: The Resources Available to the City of West Branch and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

"Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan."

The City of West Branch serves very few LEP persons and has very limited resources. However, it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order and to ensure access and reasonable accommodations for LEP persons who may be unknown at this time.

Safe Harbor Stipulation

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written translation obligations under “Safe Harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This “Safe Harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the City of West Branch’s budget and number on staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City of West Branch to proceed with oral interpretation options for compliance with LEP regulations.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage, in languages that an LEP individual would understand that free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that those requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the City of West Branch.

Options and Proposed Actions

Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.^{iv}

The City of West Branch is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language or who transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.^v

Considering the relatively small size of the City, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services. However, when requested appropriate assistance will be provided.

What the City of West Branch will do. What actions will the City of West Branch take?

- Notify the public that interpreter services are available upon request, with seven-day advance notice.
- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The City will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.

- The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual’s language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.
- Publications of the City’s complaint form will be made available online and upon request.
- In the event that a City employee encounters a LEP individual, they will follow the procedure listed below:

OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken by the LEP individual.
2. Once the foreign language is determined, provide information to Title VI Coordinator who will contact an interpreter from MDOT’s *Translators Resource List*.
3. If the need is for a document to be translated, the Title VI Coordinator will have the document translated and provided to the requestor as soon as possible.

ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI Coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken by the individual.
2. Once the foreign language is determined, provide information to Title VI Coordinator who will contact an interpreter from MDOT’s *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI Coordinator will have the document translated and provided to the requestor as soon as possible.

IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.
2. The Title VI Coordinator will contact a translator from the MDOT’s *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

OVER THE PHONE

1. If someone calls into our office speaking another language, every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line, and if possible, determine the language spoken by the caller.
2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

The City of West Branch's Staff Training

The City of West Branch's staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

ENVIRONMENTAL JUSTICE (EJ)

Compliance with Title VI includes ensuring that no minority or low-income population suffers "disproportionately high and adverse human health or environmental effect" due to any "programs, policies and activities" undertaken by any agency receiving federal funds. This obligation will be met by the City in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, follow mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.
- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low-income population groups are present in the project area, the City will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City will administer a potential disproportionate effects test.

The following steps will be taken to assess the impact of projects on minorities and/or low-income population groups:

STEP ONE: Determine if a minority or low-income population is present within the project area. If the conclusion is that no minority and/or low-income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population groups and/or low-income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low-income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and offsetting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low-income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low-income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

FILING A TITLE VI COMPLAINT

I. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City programs, activities, and services, as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

IV. Filing a Complaint

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City programs, activities, and services, including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period,

he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

V. Investigation

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of West Branch, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of West Branch, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

Investigation Reporting Process:

- Complaints made against a City of West Branch sub-recipient should be investigated by the City following the internal complaint process.
- Within 60 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of John Dantzer for review.
- The Title VI Coordinator reviews the file and investigative report. Subsequent to the review, the Title VI Coordinator makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Retaliation:

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

John Dantzer
City of West Branch
121 N. Fourth St.
West Branch, MI 48661
Phone: 989-345-0500
Fax: 989-345-4390
Email: citymanger@westbranch.com

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

Records

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

APPENDIX A - [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies and/or

b. Cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE) *

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and

the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C - PERMITS, LEASES AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.) *

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds) *

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D - TITLE VI COMPLAINT FORM

CITY OF WEST BRANCH TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 states that "No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance."

This form may be used to file a complaint with the City of West Branch based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180-day period, you have 60 days after you became aware to file your complaint.**

If you need assistance completing this form, please contact John Dantzer by phone at 989-345-0500 or via e-mail citymanager@westbranch.com

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ (home) _____ (work)

Please explain your relationship with the individual(s) indicated above: _____

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

_____ Race	_____ Disability	_____ Sex
_____ Color	_____ Religion	_____ Income
_____ Age	_____ National Origin	_____ Political Affiliation
_____ Sexual Orientation	_____ Gender Identity	_____ Retaliation

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

Signature: _____ Date: _____

Please return completed form to:

John Dantzer

121 N. Fourth St.

West Branch, MI 48661

Email: citymanager@westbranch.com

Phone: 989-345-0500

Fax: 989-345-4390

Note: The City of West Branch prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.

APPENDIX E - DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

“Significant” requires considerations of both context and intensity:

- (a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this has no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by City Manager.

APPENDIX F - PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

1. The City of West Branch's Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees. All City of West Branch employees will be trained or made aware of the Title VI and LEP policies and complaint procedures.
2. The City of West Branch's Title VI Plan will be published on the main page of the City's website www.westbranch.com, within 90 days of approval.
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City of West Branch's Title VI Assurances will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
6. A review of City facilities will be conducted in reference to compliance with the American Disabilities Act.
7. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
 - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. **Public Meetings:** The number of open meetings; how meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
 - c. **Construction Projects:** The number of construction projects and minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
 - d. **LEP Needs:** The number of requests for language assistance that were requested or required; the outcome of these requests.
 - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
 - f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
 - g. **Right of Way/Eminent Domain:** The number of such actions and diversity of individual(s) affected.
 - h. **Program Participants:** Racial data of program participants where possible.

ⁱ The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/colep.htm>.

ⁱⁱ Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

ⁱⁱⁱ The DOT has also posted an abbreviated version of this guidance on their website at <https://www.civilrights.dot.gov/civil-rights-awareness-enforcement/language-assistance/dots-lep-guidance>

^{iv} <http://www.dotcr.ost.dot.gov/asp/lep/asp>

^v Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.

LANGUAGE IDENTIFICATION FLASHCARD

☐

ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.

1. Arabic

☐

Խնդրում ենք նշում կատարել այս քառակուսում,
եթե խոսում կամ կարդում եք հայերեն:

2. Armenian

☐

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

3. Bengali

☐

ឈ្មោះបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។

4. Cambodian

☐

Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.

5. Chamorro

☐

如果你能读中文或讲中文，请选择此框。

6. Simplified Chinese

☐

如果你能讀中文或講中文，請選擇此框。

7. Traditional Chinese

☐

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

8. Croatian

☐

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

9. Czech

☐

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

10. Dutch

☐

Mark this box if you read or speak English.

11. English

☐

اگر خواندن و نوشتن فارسی بلد هستید، این مربع را علامت بزنید.

12. Farsi

<input type="checkbox"/>	Cocher ici si vous lisez ou parlez le français.	13. French
<input type="checkbox"/>	Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.	14. German
<input type="checkbox"/>	Σημειώστε αυτό το πλαίσιο αν διαβάσετε ή μιλάτε Ελληνικά.	15. Greek
<input type="checkbox"/>	Make kazyé sa a si ou li oswa ou pale kreyòl ayisyen.	16. Haitian Creole
<input type="checkbox"/>	अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।	17. Hindi
<input type="checkbox"/>	Kos lub voj no yog koj paub twm thiab hais lus Hmoob.	18. Hmong
<input type="checkbox"/>	Jelölje meg ezt a kockát, ha megérti vagy beszéli a magyar nyelvet.	19. Hungarian
<input type="checkbox"/>	Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.	20. Ilocano
<input type="checkbox"/>	Marchi questa casella se legge o parla italiano.	21. Italian
<input type="checkbox"/>	日本語を読んだり、話せる場合はここに印を付けてください。	22. Japanese
<input type="checkbox"/>	한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.	23. Korean
<input type="checkbox"/>	ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.	24. Laotian
<input type="checkbox"/>	Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim.	25. Polish

<input type="checkbox"/>	Assinale este quadrado se você lê ou fala português.	26. Portuguese
<input type="checkbox"/>	Însemnați această căsuță dacă citiți sau vorbiți românește.	27. Romanian
<input type="checkbox"/>	Пометьте этот квадратик, если вы читаете или говорите по-русски.	28. Russian
<input type="checkbox"/>	Обележите овај квадратичић уколико читате или говорите српски језик.	29. Serbian
<input type="checkbox"/>	Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.	30. Slovak
<input type="checkbox"/>	Marque esta casilla si lee o habla español.	31. Spanish
<input type="checkbox"/>	Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog.	32. Tagalog
<input type="checkbox"/>	ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.	33. Thai
<input type="checkbox"/>	Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.	34. Tongan
<input type="checkbox"/>	Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.	35. Ukrainian
<input type="checkbox"/>	اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔	36. Urdu
<input type="checkbox"/>	Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.	37. Vietnamese
<input type="checkbox"/>	באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.	38. Yiddish

TRANSLATORS RESOURCE LIST

Translators do not have to be on the Translators Resource List to be acceptable, but they must be a community or government agency, attorney, college, university, or translation-related business. Translators are **not** certified by the Michigan Department of State. When providing acceptable translated documents to the Michigan Department of State the translation must:

- Be on the letterhead stationery of the agency that employs the translator and include the address of the agency. The letterhead on which the translation appears must also be translated if it is in a foreign language.
- Include the legibly printed name and signature of the person who prepared the translation
- Include a daytime telephone number where the translator may be reached
- Include the date the translation was prepared.

Translations do not need to be notarized. A translation does not have to be prepared by an agency in Michigan or the United States. Translations prepared in other countries are acceptable if they meet Michigan Department of State requirements.

The agencies listed below may charge a fee for translating documents. Please inform your customer to ask the agency about any fees they may be expected to pay.

Note: An organization or individual not on this list may provide translations if they meet the requirements listed above.

The agencies and information on this list are subject to change without notice. Please check the yellow pages of your local telephone directory under "Translations" or "Translators" for other resources that may be available in your area. Translation services may also be available from local community agencies, colleges, universities, attorneys, and government agencies.

AGENCY	LOCATION	TELEPHONE NUMBER	LANGUAGES
7C Lingo	Lansing	(517) 337-2700	Arabic, Chinese, Dutch, French, German, Japanese, Korean, Portuguese, Somali, Spanish, Urdu
AA Translations	Ann Arbor	(734) 665-7295	Any language
Access International Language Institute	Ann Arbor	(734) 994-1456	Any language
A-Chau Translation Services	Wyoming	(616) 452-4000	Vietnamese
Acumen Capital	Hamtramck	(313) 873-9433	Any language
Acumen Capital Associates, Inc.	Detroit	(313) 506-2339	Any language
Aguilar Notary Public and Translator	Capac	(810) 531-5759	Spanish
ALB Translations		(313) 882-5642	Albanian
Alma College	Alma	(989) 463-7210	French, German, Spanish
Amigos en Accion	Eau Claire	(269) 461-4181	Spanish
Amine Translation Services, LLC	Clinton Twp.	(586) 792-3884	Arabic
Andrews University	Berrien Springs	(269) 471-3181	French, German, Spanish
Annaseeha Consultants	Detroit	(313) 923-2905	Arabic, Somali

AGENCY	LOCATION	TELEPHONE NUMBER	LANGUAGES
Atlantic Translations	Dearborn	(313) 520-3030	Albanian, French, German, Greek, Italian, Macedonian, Romanian, Spanish, Turkish
Baghdad Translations	Highland Park	(313) 892-4620	Arabic
Brazilian Portuguese Language Services	Whitmore Lake	(810) 231-6596	Portuguese
Bromberg and Associates	Southfield	(313) 871-0080	Any language
Catholic Charities of Lenawee	Adrian	(517) 263-4681	Spanish
Catholic Services of Macomb	Macomb	(586) 336-6737	Spanish
Catholic Social Services of Oakland	Pontiac	(248) 338-4250	Spanish
Coin a Phrase Language Services	Livonia	(734) 968-8264	French
Cristo Rey Community Center	Lansing	(517) 372-4700	Spanish
Delta College	University Center	(989) 686-9000	French, German, Spanish
Diocese of Saginaw Hispanic Ministries	Saginaw	(989) 797-6646	Spanish
Eastern Michigan University	Ypsilanti	(734) 487-0130	French, German, Japanese, Spanish
Executive Language Service	Bloomfield Hills	(248) 562-6025	Any language
Executive Language Services, Inc.	Southfield	(248) 357-0625	Any language
Expert Language Services Inc.	Rochester Hills	(248) 375-2046	Any language
Ferris State University	Big Rapids	(231) 591-3988	French, German, Spanish
Forefront Corporation	Ann Arbor	(248) 705-2605	Dutch, French, German
Global Reach Languages Inc.	Jenison	(616) 485-0088	Any language
Grand Valley State University	Grand Rapids	(616) 331-3203	Chinese, French
Hillsdale College	Hillsdale	(517) 437-7341	French, German, Spanish
Hispanic American Council	Kalamazoo	(269) 385-6279	Spanish
Hispanic Center of Western Michigan	Grand Rapids	(616) 742-0200	Spanish
Hispanic Services	Imlay City	(810) 724-3665	Spanish
Hispanic Technology Community Center	Flint	(810) 424-3760	Spanish
Interactive Designs for Translation & Instruction	East Lansing	(517) 575-8878 (517) 337-4486	Chinese
International Translating Bureau	Southfield	(248) 213-8099	Any language
International Translating Bureau	Southfield	(248) 559-1677	Any language
International Translation Services	Dearborn	(313) 563-7850	Bosnian (Serbo-Croatian), Croatian, Macedonian, Serbian

AGENCY	LOCATION	TELEPHONE NUMBER	LANGUAGES
International Translations & Services	Sterling Heights	(586) 202-0512 (586) 726-7564	Albanian, Italian, Polish, Russian, Spanish
Interpress, Inc.	Harper Woods	(313) 365-4547	Albanian, Arabic, Bosnian, (Serbo-Croatian, Chinese, Czech, French, German, Hindi, Italian, Japanese, Macedonian, Polish, Portuguese, Romanian, Russian, Spanish, Vietnamese
Kalamazoo Valley Community College	Kalamazoo	(269) 488-4236	French, Spanish
Kan Group	Detroit	(313) 566-0546	Any language
La Amistad Unida	Saginaw	(989) 529-2272	Spanish
Lake Superior State University	Lake Superior	(616) 895-3203	Arabic, Chinese, French, German, Italian, Polish, Russian, Spanish
Language Center International	Southfield	(248) 355-5506	Any language
Language Services	Petoskey	(231) 439-5181	Spanish
Languages International	Grand Rapids	(616) 285-0005	Any language
LaOficina	Detroit	(313) 554-0060	Arabic, French, German, Portuguese, Spanish
Latin Americans United for Progress, Inc.	Holland	(616) 392-5058	Spanish
Lingua Science	Ann Arbor	(734) 930-1553	Japanese
Lutheran Social Services of MI	Detroit	(248) 423-2790	Albanian, Arabic, Bosnian (Serbo-Croatian), Chaldean, French, Romanian, Spanish, Vietnamese
Lutheran Social Services of Michigan	Southfield	(248) 423-2790	Albanian, Arabic, Bosnian (Serbo-Croatian), Chaldean, French, Romanian, Spanish, Vietnamese
Michigan State University	East Lansing	(517) 353-0740 (517) 353-8351 (517) 355-8350	Arabic, Chinese, German, Japanese, Russian, Swahili, French, Greek, Italian, Portuguese, Spanish
Monroe Community College	Monroe	(734) 384-4153	French, German
Monroe Community College	Monroe	(734) 384-4153	French, German
MRG Translations	Holland	(616) 392-5358	Spanish

AGENCY	LOCATION	TELEPHONE NUMBER	LANGUAGES
Multilingual Services	Walled Lake	(248) 722-1471 (248) 960-0488	Russian, Ukrainian
Northern Michigan University	Marquette	(906) 227-1000	Finnish, French, German, Hebrew, Italian, Japanese, Portuguese, Russian, Spanish
Nusair Service	Detroit	(313) 922-6000	Arabic
Olas Translations	Ann Arbor	(734) 213-5396	Spanish
Ole Servicios Latino Americanos Translation	Ypsilanti	(734) 528-1212	Arabic, French, Italian, Portuguese, Spanish, Swahili, Turkish
OmniCom International	Kalamazoo	(269) 323-8887	Czech, French, German, Hungarian, Polish, Slovak, Spanish
Professional Advancement Enterprises	Grand Rapids	(616) 956-9443	Any language
Professional Translation & Interpretation	Kalamazoo	(269) 324-4303	Spanish
Pro-Tax & Notary - Translation Services	Holland	(616) 392-7603	Spanish
Rainbow Visa and Passport Services	Dearborn	(313) 582-3322	Arabic, Chaldean, French
Rashmawi Translation Services	Flint	(810) 732-5955	Arabic
Rojas Translating Services	Coldwater	(517) 278-4038	Spanish
Sanchez Income Tax & Translation	Grand Rapids	(616) 248-3688	Spanish
Servicios Diversos, LLC	Ann Arbor	(734) 973-9824	French, German, Italian, Portuguese, Russian, Spanish, Thai
Sign Language Communications	Traverse City	(231) 943-4378	Sign Language
Sign Language Service of MI	Clinton	(586) 741-8140	Sign language/Any language
Sound Post	Grand Rapids	(616) 940-8686	Any language
St. Clair County Community College	Port Huron	(810) 989-5578	French, German, Spanish
St. Clement of Rome Catholic Church	Romeo	(586) 752-9611	Spanish
Suzuki Myers & Associates	Novi	(248) 344-0909	Japanese
Tech World Language Service Inc.	Troy	(248) 288-5900	Any language
Translation Consultants	Brownstown	(734) 783-0633	Romanian
Translation International, Inc.	Warren	(586) 201-0502	Hungarian, Romanian
Trans-Type International	Midland	(989) 631-2424	Arabic, Chinese, French, German, Italian, Korean, Spanish
Trident Trade Group	Warren	(586) 759-6563	Russian, Ukrainian

AGENCY	LOCATION	TELEPHONE NUMBER	LANGUAGES
Ukrainian Cultural Center	Warren	(586) 757-8130	Russian, Ukrainian
University Translators Services LLC	Ann Arbor	(734) 665-7295	Any language
Verbum Translations	Troy	(248) 224-8600	French, German, Japanese, Romanian, Spanish
Vital International Programs	Sterling Heights	(305) 371-7887	Any language
Voices Around the World	Royal Oak	(248) 288-6440	Albanian, Arabic, Bosnian (Serbo-Croatian), Chinese, French, German, Japanese, Macedonian, Polish, Portuguese, Russian, Spanish
Voices for Health	Grand Rapids	(616) 233-6505	Any language
Washtenaw Community College	Ann Arbor	(734) 973-3300	French, German, Spanish
Wayne County Community College	Detroit	(313) 943-4000	Arabic, Spanish
Wayne County Community College	Wayne	(313) 943-4000	Arabic, Ukrainian
Weller Language Services	Holland	(616) 396-2201	Spanish
World of Immigration, Passport, Visas and Translation Services	Dearborn Heights	(313) 406-5747	Any language

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, AUGUST 7, 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, Rusty Showalter, and Cathy Zimmerman.

Absent: None

Other officers present: City Manager John Dantzer, City Clerk Lori Ann Clover, DPW Supervisor Mike Killackey, City Attn. Greg Meihn, and Commissioner Craig Scott.

All stood for the Pledge of Allegiance.

* * * * *

Commissioner Scott gave an update on county activities. County Clerk Gildner acknowledged Tracy Turner Deputy Clerk for her contribution to the office. The county has selected their delegates for the MERS annual meeting. A NEMSCA representative presented at the last meeting. The August meeting schedule was amended. An RFP was put out for seasonal snowplowing. A discussion was held considering the reimbursement of per diem's for attending committee meetings and that instead of the county paying commissioners, the various committees might be able to reimburse commissioners for their time. A credit card was approved for the airport manager.

* * * * *

Kevin Kardel spoke to Council about the Red E Charging services and contract. They have contracts with several cities in our area. They will pay for the equipment, hosting, and Consumers bill. Currently the contract is for two stations with the possibility of four. The charge to the customer is approximately \$0.30 per kilowatt. There is also a 3% revenue sharing with the city.

MOTION BY ZIMMERMAN, SECOND BY SHOWALTER TO APPROVE MANAGER DANTZER TO SIGN THE CONTRACT WITH RED E CHARGING CONTINGENT UPON THE REVIEW OF THE CONTRACT BY THE CITY ATTORNEY.

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

No – None

Absent – None

Motion carried

* * * * *

Attn. Meihn informed members the draft building ordinance includes everything. This is a lot for Council to review during the meeting. It was discussed to have Manager Dantzer, Attn. Meihn, and Larry Watson review the proposed ordinance. Member Showalter suggested that a section on blight definitely be included. Mayor Frechette stated the fire section was important. Member Jackson said there was some overlap in our existing ordinances and the new proposed ordinance.

MOTION BY ZIMMERMAN, SECOND BY JACKSON TO HAVE ATTN. MEIHN, MANAGER DANTZER, AND DESIGNATION BUILDING INSPECTOR REVIEW THE PROPOSED DRAFT ORDINANCE AND PROVIDE COUNCIL WITH THEIR RECOMMENDATIONS.

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

No – None Absent – None Motion carried

* * * * *

MOTION BY BENNETT, SECOND BY SHOWALTER, TO APPROVE PAYMENT OF THE BILLS IN THE AMOUNT OF \$279,403.06.

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

No – None Absent – None Motion carried

* * * * *

MOTION BY FRECHETTE, SECOND BY JACKSON, TO TABLE ORDINANCE 23-01 ZONING CHANGES TO THE END OF THE MEETING.

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

No – None Absent – None Motion carried

* * * * *

MOTION BY BENNETT, SECOND BY ADAIR, TO AUTHORIZE MANAGER DANTZER TO SIGN THE ANNUAL CERTIFICATION FOR MDOT HEALTH CARE OPT OUT.

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

No – None Absent – None Motion carried

* * * * *

MOTION BY FRECHETTE, SECOND BY SHOWALTER, TO AUTHORIZE MANAGER DANTZER AND DPW SUPERVISOR KILLACKY TO MEET WITH DARLENE WEINRICH TO WORK ON HER DONATION TOWARDS IRONS PARK IN MEMORY OF HER HUSBAND, JERRY WEINRICH.

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

No – None Absent – None Motion carried

* * * * *

MOTION BY PUGH, SECOND BY BENNETT TO APPROVE CHIEF WALTERS AS THE DEPARTMENT HEAD AND MICHELLE FRECHETTE WITH ALTERNATE LORI ANN CLOVER AS EMPLOYEE DELEGATES FOR THE MERS ANNUAL BUSINESS MEETING.

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

No – None

Absent – None

Motion carried

* * * * *

MOTION BY JACKSON, SECOND BY PUGH TO APPROVE THE MINUTES AND SUMMARY FROM THE SPECIAL MEETING HELD JULY 31, 2023.

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

No – None

Absent – None

Motion carried

* * * * *

MOTION BY BENNETT, SECOND BY ZIMMERMAN TO RECEIVE AND FILE THE TREASURER'S REPORT AND INVESTMENT SUMMARY.

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

No – None

Absent – None

Motion carried

* * * * *

Communications received included the Michigan Public Policy Survey July 2023 edition.

Mayor Frechette announced that it would be a busy couple of weeks with the Victorian Art Fair starting this weekend and the Ogemaw County Fair the week after.

Member Pugh informed members that the fundraiser at Dairy Queen for the Luke Kartes scholarship was a huge success. All of the tips totaling approximately \$8,000 and 25% of all sales were donated. MDOT representatives were also on hand to witness the line up on Houghton Ave of cars waiting to turn.

Member Zimmerman stated that the Jeep Jam was an awesome addition to the events held in our city.

Manager Dantzer announced that MDOT would be holding another public outreach meeting at the Police Department on August 21st from 5:00 pm to 6:30 pm. Member Pugh informed members that a local business owner is creating a petition against the proposed MDOT project.

Mayor Frechette's father was in attendance and was impressed with the civility of our meeting.

Clerk Clover let members know there were samples of shirts with city logos for review in her office.

* * * * *

MOTION BY FRECHETTE, SECOND BY BENNETT TO BRING ORDINANCE 23-01 ZONING CHANGES ENACTMENT BACK TO THE TABLE.

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

No – None Absent – None Motion carried

* * * * *

AT 6:49 PM. MOTION BY FRECHETTE, SECOND BY JACKSON TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268(h) TO DISCUSS MATTERS THAT ARE SUBJECT TO ATTORNEY CLIENT PRIVILEGE.

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

No – None Absent – None Motion carried

* * * * *

MOTION BY FRECHETTE, SECOND BY ADAIR TO GO BACK INTO OPEN SESSION AT 7:24 PM.

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

No – None Absent – None Motion carried

* * * * *

MOTION BY FRECHETTE, SECOND BY BENNETT TO POSTPONE ENACTMENT OF ORDINANCE 23-01 ZONING CHANGES TO THE NEXT MEETING AND INSTRUCT MANAGER DANTZER AND ATTN. MEIHN TO DRAFT A LETTER TO THE BROOK OF WEST BRANCH, INC AND M-30 LIMITED PARTNERSHIP REQUESTING INPUT AND SPECIFIC CONCERNS AND THEIR SUGGESTED CONSIDERATIONS FOR COUNCIL TO REVIEW PRIOR TO MAKING A FINAL DECISION.

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

No – None Absent – None Motion carried

* * * * *

Mayor Frechette adjourned the meeting at 7:27 pm.

Paul Frechette, Mayor

Lori Ann Clover, Clerk

SUMMARY OF THE 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, AUGUST 7, 2023.

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

Present: Mayor Frechette, Council Members Adair, Bennett, Jackson, Pugh, Showalter, and Zimmerman.

Absent: None

Other officers present: Manager Dantzer, Clerk Clover, DPW Supervisor Killackey, Attn. Meihn, and Commissioner Scott.

All stood for the Pledge of Allegiance.

Commissioner Scott gave an update.

Council approved Manager Dantzer to sign the contract with Red E Charging contingent upon the review of the attorneys.

Council approved Attn. Meihn, Manager Dantzer, and Larry Watson to review the proposed building ordinance.

Council approved bills in the amount of \$279,403.06.

Council tabled Ordinance 23-01 Zoning Changes to the end of the meeting.

Council authorized Manager Dantzer to sign the Annual Certification for MDOT health care opt out.

Council authorized Manager Dantzer and DPW Supervisor Killackey to work with Darlene Weinrich on her donation to Irons Park.

Council approved Chief Walters, Michelle Frechette, and Lori Ann Clover (alternate) as delegates for the annual MERS business meeting.

Council approved the minutes and summary from the regular meeting held July 31, 2023.

Council received and filed the treasurer's report and investment summary.

Communications were received.

Mayor Frechette; Members Pugh and Zimmerman; Manager Dantzer and Clerk Clover gave updates.

Council approved bringing Ordinance 23-01 back to the table.

Council approved going into closed session pursuant to MCL 15.268(h) to discuss matters that are subject to attorney client privilege at 6:49 pm.

Council approved going back into open session at 7:24 pm.

Council approved postponing the enactment of Ordinance 23-01 zoning changes to the next meeting with a letter to the Brook of West Branch, Inc and M-30 Limited Partnership requesting input and specific concerns and their suggested considerations for Council to review prior to making a final decision.

Mayor Frechette adjourned the meeting at 7:27 pm.

Bank Code	Description	Beginning Balance 08/01/2023	Total Debits	Total Credits	Ending Balance 08/31/2023
GEN1	GEN1 - GENERAL CHECKING				
101	GENERAL FUND	819,706.73	158,287.99	375,934.77	602,059.95
150	CEMETERY PERPETUAL CARE	41,285.19	0.00	0.00	41,285.19
209	CEMETERY FUND	(6,127.14)	16,801.56	2,662.63	8,011.79
237	MARIJUANA FUND	4,500.00	0.00	0.00	4,500.00
243	BROWNFIELD REDEVELOPMENT AUTHORITY FU	6,986.20	8,119.75	0.00	15,105.95
248	DDA OPERATING FUND	368,684.94	2,365.24	49,144.37	321,905.81
251	INDUSTRIAL PARK FUND	2,190.91	0.00	169.92	2,020.99
276	HOUSING RESOURCE FUND	187,008.98	161.00	0.00	187,169.98
318	SEWER DEBT FUND	85,144.58	9,052.28	195.75	94,001.11
319	WATER DEBT FUND	84,743.18	2,932.94	40.65	87,635.47
372	PLANT REPLACEMENT FUND (R&I)	2.70	0.00	0.00	2.70
390	SEWER FUND	364,848.02	45,767.15	28,087.30	382,527.87
391	WATER FUND	754,509.76	19,803.89	16,745.09	757,568.56
392	WATER REPLACEMENT FUND	736,670.27	10,719.25	25,719.25	721,670.27
393	SEWER COLLECTION	284,210.24	2,149.83	3,006.81	283,353.26
361	EQUIPMENT FUND	(29,501.33)	65,627.97	35,296.53	830.11
704	PAYROLL CLEARING	24,496.84	45,653.25	45,653.25	24,496.84
705	IRONS PARK ENTERTAINMENT FUND	13,782.37	385.00	0.00	14,167.37
707	YOUTH SAFETY PROGRAM	115.00	0.00	0.00	115.00
	GEN1 - GENERAL CHECKING	3,743,257.44	387,827.10	582,656.32	3,548,428.22
M/LST	MAJOR/ LOCAL STREETS				
202	MAJOR STREET FUND	693,426.28	22,467.85	19,689.76	696,204.37
203	LOCAL STREET FUND	459,390.42	13,169.34	3,436.00	469,123.76
	MAJOR/ LOCAL STREETS	1,152,816.70	35,637.19	23,125.76	1,165,328.13
PAY	PAYROLL				
704	PAYROLL CLEARING	38,674.88	45,653.25	42,888.38	41,439.75
	PAYROLL	38,674.88	45,653.25	42,888.38	41,439.75
CHEM	SAVINGS				
101	GENERAL FUND	459,854.81	0.00	0.00	459,854.81
150	CEMETERY PERPETUAL CARE	1,685.62	0.00	0.00	1,685.62
251	INDUSTRIAL PARK FUND	245.65	0.00	0.00	245.65
371	COLLECTION REPLACEMENT FUND	0.65	0.00	0.00	0.65
391	WATER FUND	26,431.83	0.00	0.00	26,431.83
392	WATER REPLACEMENT FUND	19,792.25	0.00	0.00	19,792.25
393	SEWER COLLECTION	3,185.76	0.00	0.00	3,185.76
361	EQUIPMENT FUND	103,589.11	0.00	0.00	103,589.11
	SAVINGS	614,785.68	0.00	0.00	614,785.68
TAX	TAXES				
701	TAX AGENCY	298,406.27	495,355.05	290,112.10	503,649.22
	TAXES	298,406.27	495,355.05	290,112.10	503,649.22
	TOTAL - ALL FUNDS	5,847,940.97	964,472.59	938,782.56	5,873,631.00

CASH SUMMARY BY ACCOUNT FOR WEST BRANCH
FROM 08/01/2023 TO 08/31/2023
FUND: ALL FUNDS
INVESTMENT ACCOUNTS

Fund Account	Description	Beginning Balance 08/01/2023	Total Debits	Total Credits	Ending Balance 08/31/2023
Fund 101 GENERAL FUND					
004.300	CERTIFICATE OF DEPOSIT A	100,000.00	0.00	0.00	100,000.00
004.400	CERTIFICATE OF DEPOSIT B	150,000.00	0.00	0.00	150,000.00
	GENERAL FUND	250,000.00	0.00	0.00	250,000.00
Fund 150 CEMETERY PERPETUAL CARE					
004.300	CERTIFICATE OF DEPOSIT C	112,499.74	0.00	0.00	112,499.74
004.400	CERTIFICATE OF DEPOSIT D	113,500.06	0.00	0.00	113,500.06
	CEMETERY PERPETUAL CARE	225,999.80	0.00	0.00	225,999.80
Fund 251 INDUSTRIAL PARK FUND					
004.300	CERTIFICATE OF DEPOSIT A	100,000.00	0.00	0.00	100,000.00
004.400	CERTIFICATE OF DEPOSIT B	25,000.00	0.00	0.00	25,000.00
	INDUSTRIAL PARK FUND	125,000.00	0.00	0.00	125,000.00
Fund 661 EQUIPMENT FUND					
004.300	CERTIFICATE OF DEPOSIT A	150,000.00	0.00	0.00	150,000.00
004.400	CERTIFICATE OF DEPOSIT B	100,000.00	0.00	0.00	100,000.00
	EQUIPMENT FUND	250,000.00	0.00	0.00	250,000.00
	TOTAL - ALL FUNDS	850,999.80	0.00	0.00	850,999.80



West Branch Police Department

Chief Kenneth W. Walters

130 Page St.

West Branch, Michigan 48661

Phone: 989-345-2627 Fax: 989-345-0083

E-mail: police@westbranch.com

8/4/2023

Honorable Mayor and Council,

This is the July month end report. For the month of July, the department handled 182 Law Enforcement complaints and further had 13 ordinance violation contacts.

The department made 4 Felony / High Misdemeanor Arrests and requested arrest warrants of an additional 5 persons.

We are currently in the process of switching to new body cameras worn by the officers. The new system is through Motorola and is the same system used by all agencies in the county. Not only will it save on our server space, as the new system is Cloud based, but it will also streamline the process of submitting video to the court system. The department will be able to send the Prosecuting Attorney, Courts, and other Law Enforcement agencies a viewing link to the requested video. This will not only be cost saving, but more efficient in the aspect that we will no longer need to purchase massive amounts of writeable DVD's and spend time editing them.

Respectfully,

A handwritten signature in black ink, appearing to be "K. Walters", written over a horizontal line.

Chief Kenneth W. Walters

Offense Count Report

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Report Criteria:

Start Offense	End Offense	Officer	
01000	99009	ALL	
JULY2023	TOTAL2023	TOTAL2022	TOTAL2021
07/01/2023-07/31/2023	01/01/2023-07/31/2023	01/01/2022-12/31/2022	01/01/2021-12/31/2021

Offense	Description	JULY2023	TOTAL2023	TOTAL2022	TOTAL2021
11001	SEXUAL PENETR'N PENIS/VAGINA CSC1	0	0	1	1
11005	SEXUAL PENETRATION OBJECT CSC1	0	1	0	0
11007	SEXUAL CONTACT FORCIBLE CSC2	0	1	1	0
11008	SEXUAL CONTACT FORCIBLE CSC4	0	1	1	1
13001	NONAGGRAVATED ASSAULT	1	19	19	19
13002	AGGRAVATED/FELONIOUS ASSAULT	1	1	2	4
13003	INTIMIDATION/STALKING	0	0	3	2
20000	ARSON	1	1	0	0
22001	BURGLARY - FORCED ENTRY	0	0	1	1
22002	BURGLARY - ENTRY W/OUT FORCE(INTENT	0	0	0	1
22003	BURGLARY - UNLAWFUL ENTRY(NO INTENT	0	0	3	0
23002	LARCENY - PURSE SNATCHING	0	0	0	2
23003	LARCENY - THEFT FROM BUILDING	0	1	1	2
23005	LARCENY - THEFT FROM MOTOR VEHICLE	0	1	3	9
23007	LARCENY - OTHER	1	5	9	8
24001	MOTOR VEHICLE THEFT	0	0	1	1
25000	FORGERY/COUNTERFEITING	0	0	1	1
26001	FRAUD - FALSE PRETENSE/SWINDLE/CONF	0	2	0	0
26002	FRAUD - CREDIT CARD/ATM	0	1	1	1
26003	FRAUD - IMPERSONATION	0	0	1	1
26005	FRAUD - WIRE	0	0	0	1
26006	FRAUD - BAD CHECKS	0	1	2	1
26007	FRAUD - IDENTITY THEFT	0	3	4	0
27000	EMBEZZLEMENT	0	0	3	0
28000	STOLEN PROPERTY	0	0	1	0
29000	DAMAGE TO PROPERTY	4	19	12	15
30002	RETAIL FRAUD - THEFT	0	1	1	0
35001	VIOLATION OF CONTROLLED SUBSTANCE	0	0	9	4
36004	SEX OFFENSE - OTHER	0	0	0	3
38001	FAMILY - ABUSE/NEGLECT NONVIOLENT	0	2	0	2
38003	FAMILY - OTHER	0	0	0	1
41002	LIQUOR VIOLATIONS - OTHER	0	0	1	1
42000	DRUNKENNESS	1	1	0	1
48000	OBSTRUCTING POLICE	0	0	2	5
49000	ESCAPE/FLIGHT	0	0	1	0
50000	OBSTRUCTING JUSTICE	4	22	37	29
52001	WEAPONS OFFENSE - CONCEALED	0	0	1	0
52003	WEAPONS OFFENSE - OTHER	0	1	0	2
53001	DISORDERLY CONDUCT	2	3	0	1
53002	PUBLIC PEACE - OTHER	0	1	0	0
54002	OUIL OR OUID	1	4	13	4
54003	DRIVING LAW VIOLATIONS	7	20	46	10
55000	HEALTH AND SAFETY	0	1	0	0
57001	TRESPASS	0	11	14	21
62000	CONSERVATION	1	1	0	0
70000	JUVENILE RUNAWAY	0	1	6	0
70001	Incorrigible	0	1	1	0

Offense Count Report

Page: 2

Report Criteria:

Start Offense	End Offense	Officer	
01000	99009	ALL	
JULY2023	TOTAL2023	TOTAL2022	TOTAL2021
07/01/2023-07/31/2023	01/01/2023-07/31/2023	01/01/2022-12/31/2022	01/01/2021-12/31/2021

Offense	Description	JULY2023	TOTAL2023	TOTAL2022	TOTAL2021
70003	Juvenile Truancy	0	2	0	0
70004	Juvenile Issues	0	6	1	3
72000	ANIMAL CRUELTY	0	0	1	0
73000	MISCELLANEOUS CRIMINAL OFFENSE	0	5	2	4
75000	SOLICITATION	0	0	1	0
90001	Vehicle Lockouts	7	54	69	88
90002	Motorist Assists	3	8	9	15
90003	Assist E.M.S.	23	98	108	120
90005	City Ordinance Violations	4	16	7	29
90006	Prisoner Transports	0	0	1	0
90007	Parking Complaints	1	2	2	4
90008	ANIMAL COMPLAINTS	8	13	12	13
91001	Delinquent Minors	0	2	8	15
91002	Runaway	0	0	1	2
91003	K-9 Assists	1	5	16	7
91004	Abandoned Vehicle	0	0	3	2
92003	Walk Away (Ment. & Host.)	0	2	4	5
92004	Insanity	3	12	23	30
92005	MIP Civil	0	15	1	0
93001	PROPERTY DAMAGE ACCIDENT/PI	9	42	54	51
93002	Accident, Non-Traffic	3	15	26	32
93003	Civil Traffic Violations	0	0	1	0
93004	Parking Violations	0	0	1	1
93006	Traffic Policing	0	0	5	21
93007	Traffic Safety Public Relations	1	2	11	35
93008	Inspections/Investigations -Breathalyzer	0	0	0	1
94001	Valid Alarm Activations	0	1	0	3
94002	False Alarm Activations	5	43	81	63
95001	Accident, Fire	0	1	3	1
95003	Inspection, Fire	0	0	1	3
95004	Hazardous Condition	0	0	1	6
97001	Accident, Traffic	0	0	1	0
97003	Accident, Other Shooting	0	0	1	0
97006	Accident, All Other	0	0	0	2
98002	Inspections/Investigations -Motor Vehicles	0	1	1	0
98003	Inspections/Investigations -Property	0	0	1	7
98004	Inspections/Investigations -Other	2	17	27	7
98006	Civil Matters/Family Disputes	12	48	47	88
98007	Suspicious Situations/Subjects	21	101	109	178
98008	Lost/Found Property	2	10	13	13
98009	Inspections/Investigations -Drug Overdose	0	1	2	3
99002	Natural Death	0	2	5	5
99007	PR Activities	3	15	14	4
99008	General Assistance	48	240	384	283
99009	General Non-Criminal	2	18	36	35
Totals:		182	924	1296	1334

CODE ENFORCEMENT 2023:									
Address	Date	Offense	Action Taken / Comments	Officer					
140 State Street	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
242 State Street	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
306 State Street	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
	4/25/2023	Blight- Incomplete exterior of a structure	Partially sided home for excess of 12 months/ Photos taken/ Notice & CAP sent	JA					
	5/16/2023	Blight- Incomplete exterior of a structure	I have not received a CAP/ Called- No answer/ Left message	JA					
	5/16/2023	Blight- Incomplete exterior of a structure	Owner returned call/ Will drop of CAP	JA					
	5/23/2023	Blight- Incomplete exterior of a structure	I have not received a CAP/ Called owner- advised it was put in the mail.	JA					
	5/27/2023	Blight- Incomplete exterior of a structure	Received CAP from the owner	JA					
340 State Street	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
372 State Street	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
376 State Street	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
406 State Street	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
426 State Street	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
325 Fairview Road	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
317 Fairview Road	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
295 Fairview Road	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
443 E Houghton Ave	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
435 E Houghton Ave	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
412 E Houghton Ave	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
411 E Houghton Ave	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
403 E Houghton Ave	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
335 E Houghton Ave	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
410 E Houghton Ave	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
440 E Houghton Ave	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
444 E Houghton Ave	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
124 E Houghton Ave	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					
400 E Houghton Ave	1/3/2023	City Charter Violation	Sidewalk cleared/ Closed	JA					

	2/18/2023	City Charter Violation	Snow Violation/ Sidewalk- City Manager Notified	JA
	3/4/2023	City Charter Violation	Snow Violation/ Sidewalk/ Ongoing- City Manager Notified	JA
	3/29/2023	City Charter Violation	Sidewalk cleared/ Closed	JA
419 N 3rd Street	1/10/2023	Blight- Trash Complaint	Trash brought into City limits for pickup/ Photos taken/ Advised was not allowed	JA
	1/20/2023	Blight- Trash Complaint	Trashed removed/ Closed	JA
	5/16/2023	Blight- Lawn Violation	Previously Noticed/ Photos taken/ Contractor notified	JA
	5/18/2023	Blight- Lawn Violation	Contractor cut the lawn/ Closed	JA
	6/19/2023	Blight- Lawn Violation	Previously Noticed/ Photos taken/ Contractor notified	JA
	6/21/2023	Blight- Lawn Violation	Contractor cut the lawn/ Closed	JA
	7/17/2023	Blight- Lawn Violation	Previously Noticed/ Photos taken/ Contractor notified	JA
	7/19/2023	Blight- Lawn Violation	Contractor cut the lawn/ Closed	JA
607 S Valley Street (Update)	1/12/2023	Dangerous / Unsafe Building	Email received- another contractor coming to give bid on exterior repair this coming week.	JA
	5/16/2023	Dangerous / Unsafe Building	Emailled for an update on the project.	JA
	5/17/2023	Dangerous / Unsafe Building	Email received- Contractor bids too high- requesting additional bids	JA
394 N 2nd Street (Update)	1/17/2023	Dangerous / Unsafe Building	Property sold- Notice/ CAP sent to new owner.	JA
	2/28/2023	Dangerous / Unsafe Building	Received CAP from the owner	JA
115 Sidney Street (Update)	1/20/2023	Blight- Trash Complaint	Trashed removed/ Closed	JA
110 E Houghton Ave	1/31/2023	City Charter Violation	Snow Violation/ Sidewalk- Notice mailed	JA
	2/17/2023	City Charter Violation	Sidewalk cleared/ Closed	JA
307 E Houghton Ave	1/31/2023	City Charter Violation	Snow Violation/ Sidewalk- Notice mailed	JA
	2/17/2023	City Charter Violation	Sidewalk cleared/ Closed	JA
105 W Houghton Ave	1/31/2023	City Charter Violation	Snow Violation/ Sidewalk- Notice mailed	JA
	2/17/2023	City Charter Violation	Sidewalk cleared/ Closed	JA
140 State Street	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Previously noticed on 12/28/2022- City Hall advised.	JA
372 State Street	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Previously noticed on 12/28/2022- City Hall advised.	JA
376 State Street	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Previously noticed on 12/28/2022- City Hall advised.	JA
406 State Street	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Previously noticed on 12/28/2022- City Hall advised.	JA
426 State Street	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Previously noticed on 12/28/2022- City Hall advised.	JA
295 Fairview Road	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Previously noticed on 12/28/2022- City Hall advised.	JA
317 Fairview Road	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Previously noticed on 12/28/2022- City Hall advised.	JA
325 Fairview Road	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Previously noticed on 12/28/2022- City Hall advised.	JA
279 N Burgess Street	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Previously noticed on 12/28/2022- City Hall advised.	JA
	5/16/2023	Blight- Lawn Violation	Photos taken/ Notice sent	JA
	5/27/2023	Blight- Lawn Violation	Received notice back from USPS- Not deliverable	JA
	5/28/2023	Blight- Lawn Violation	Phone message delivered to the owner	JA
	5/30/2023	Blight- Lawn Violation	Lawn cut/ Closed	JA
	6/27/2023	Blight- Lawn Violation	Photos taken/ Notice sent	JA

	7/17/2023	Blight- Lawn Violation	Lawn cut/ Closed	JA
284 N Burgess Street	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Previously noticed on 12/28/2022- City Hall advised.	JA
335 E Houghton Ave	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Previously noticed on 12/28/2022- City Hall advised.	JA
234 N 1st Street	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Notice mailed	JA
	2/17/2023	City Charter Violation	Sidewalk cleared/ Closed	JA
240 N 1st Street	2/7/2023	City Charter Violation	Snow Violation/ Sidewalk- Notice mailed	JA
	2/17/2023	City Charter Violation	Sidewalk cleared/ Closed	JA
720 Annie Street	2/22/2023	Blight- Trash Complaint	Reported Trash and furniture in the yard. Checked, reproted items set out for trash pickup- No violation/ Closed	JA
City of West Branch	3/4/2023	Prohibited Signs	Business signs on utility poles/ Rightaway- Called/ No answer/ No return call/ Sent notice	JA
	3/14/2023	Prohibited Signs	Signs removed/ Closed	JA
243 N Burgess Street	3/29/2023	Blight- Trash Complaint	Accumulation of trash/ Photos taken/ Notice sent	JA
	4/10/2023	Blight- Trash Complaint	Progress/ Updated photos taken	JA
	4/24/2023	Blight- Trash Complaint	Owner working on solution for weekly trash accumulation	JA
	5/16/2023	Blight- Lawn violation	Previously Noticed/ Photos taken/ Contractor notified	JA
	5/18/2023	Ordinance Violation	Dog at large- Previous warnings & citations- Owner cited	JA
	5/22/2023	Blight- Lawn violation	Contractor cut the lawn/ Closed	JA
	6/27/2023	Blight- Lawn violation	Photos taken/ Spoke with owner- will cut	JA
	7/7/2023	Blight- Lawn violation	Lawn cut/ Closed	JA
347 N 3rd Street	4/24/2023	Blight- Trash Complaint	Accumulation of junk/ trash/ Photos taken/ Notice sent	JA
	5/23/2023	Blight- Trash Complaint	Called owner for an update/ Sending crew over today.	JA
	5/30/2023	Blight- Trash Complaint	Junk/ trash removed/ Closed	JA
226 N 2nd Street	4/24/2023	Blight- Incomplete exterior of a structure	Partially sided home for excess of 12 months/ Photos taken/ Notice & CAP sent	JA
	5/16/2023	Blight- Incomplete exterior of a structure	I have not received a CAP/ TX owner- working on home/ Will drop off CAP	JA
	5/23/2023	Blight- Incomplete exterior of a structure	I have not received a CAP/ TX owner- Will drop off CAP by Friday	JA
	5/30/2023	Blight- Incomplete exterior of a structure	I have not received a CAP/ TX owner- No answer/ left a message	JA
	6/1/2023	Blight- Incomplete exterior of a structure	I have not received a CAP/ TX owner- No answer/ left a message requesting CAP by 6pm today, or would move forward with violation process	JA
	6/6/2023	Blight- Incomplete exterior of a structure	Still no response/ Citation posted and mailed	JA
	6/9/2023	Blight- Incomplete exterior of a structure	Owner came into WBPd/ Met owner at the property/ Working on home/ 2nd copy of CAP provided	JA
	6/13/2023	Blight- Incomplete exterior of a structure	Received CAP from the owner	JA
119 S 3rd Street	5/2/2023	Blight- Junk Auto/ Unregistered Vehicles	2 vehicles unregistered / Photos taken/ Notice	JA
	5/16/2023	Blight- Junk Auto/ Unregistered Vehicles	Clearing out garage for vehicles/ CAP mailed to WBPd	JA
	5/23/2023	Blight- Junk Auto/ Unregistered Vehicles	Received CAP from the owner	JA
	6/9/2023	Blight- Junk Auto/ Unregistered Vehicles	1 or 2 vehicles removed	JA
	6/14/2023	Blight- Junk Auto/ Unregistered Vehicles	Spoke with the owner, has someone coming to tow the other vehicle away	JA
	6/27/2023	Blight- Junk Auto/ Unregistered Vehicles	2nd vehicle removed/ Closed	JA
134 S 2nd Street	5/16/2023	Blight- Lawn Violation	Previously Noticed/ Photos taken/ Contractor notified	JA
	5/18/2023	Blight- Lawn Violation	Contractor cut the lawn/ Closed	JA
	6/19/2023	Blight- Lawn Violation	Previously Noticed/ Photos taken/ Contractor notified	JA
	6/21/2023	Blight- Lawn Violation	Contractor cut the lawn/ Closed	JA

*Ogemaw County
Land Bank Authority
Meeting Minutes
07/12/2023*

Caren Piglowski called the meeting to order at 11:04 a.m. Present: Caren Piglowski, Scott Bell, Cindy Rosebrugh, Liz Steinhurst, Denise Simmons and David Ryan. All recited The Pledge of Allegiance to the American Flag.

Committee meeting minutes of 04/12/2023 were reviewed. **Motion by Liz Steinhurst, support by Denise Simmons to approve the minutes. Vote: Ayes - all, motion approved.**

Caren Piglowski presented the current financial activity report. The annual Land Bank report was filed with the State by Caren Piglowski on 04/24/2023. Copies are available in the County Treasurer's office.

The Land Bank has received a cash purchase offer of \$1000.00 from Greg Cook for property located in Mills Township at 2408 E. First Street, Prescott, MI.

Motion by Scott Bell, support by Denise Simmons, to accept the property purchase offer in the amount of \$1000.00 with buyer to pay recording fees and transaction to be completed by September 01, 2023. Roll Call Vote – ayes by all present, motion approved. Caren Piglowski to contact attorney to have purchase agreement and deed documents created.

On March 06, 2023 letters were mailed to blighted property owners with a request to donate the property or contact the Land Bank to discuss a property purchase. Caren Piglowski was contacted by Gerald Wilczynski regarding property located in the Village of Prescott at 215 Washington Street, Prescott, MI. Mr. Wilczynski offered this property for sale to the Land Bank in the amount of \$500.00. Discussion regarding the offer ensued. A decision was made by the board to take no action until research on the property could be performed. Dave Ryan will be conducting an on-site visit of the property, Denise Simmons will perform a title and lien search and Scott Bell will perform an environmental search.

Caren Piglowski updated the board members on the Blight Elimination Grant application. The grant application was approved in the amount of \$200,000 for Round 2 funds. The Land Bank was also approved for Round 3 Federal Grant funds in the amount of \$500,000 for a total of \$700,000 in grant funding. Caren Piglowski discussed details of the two separate grants and stated more information will be available soon. There was discussion regarding the option for quiet title vs. quit claim deeds and the purchasing of title insurance for project properties. Caren Piglowski instructed to contact the attorney with a list of questions posed by the board. Caren Piglowski to contact Bryan Stein, Building Inspector and Ryan Veeder, Planning Director regarding condemned and dangerous building ordinances.

Motion by Sue Delahanty, support by Dave Ryan to accept the Round 3 Federal ARPA grant funds in the amount of \$500,000.00. Roll Call Vote: ayes by all present, motion approved. Caren Piglowski to complete the risk assessment form and submit the grant acceptance letter.

Caren Piglowski presented the 2023-2024 proposed budget. **Motion by Scott Bell, support by Dave Ryan to approve the proposed budget as presented. Roll Call Vote: ayes by all present, motion approved.**

Motion to adjourn by Cindy Rosebrugh, support by Denise Simmons, Ayes – all. Motion approved

Next meeting scheduled for August 16, 2023 at 11:00 a.m.

Meeting adjourned 12:00 a.m.

Minutes prepared by Caren Piglowski

Motion carried

* * * * *

The Board discussed updated bylaws. It was the consensus to hold their annual meeting on the first Thursday in January.

MOTION BY JACKSON, SECOND BY BURGIN, TO APPROVE THE FOLLOWING BYLAWS:

City of West Branch Zoning Board of Appeals Bylaws

These bylaws shall govern a Board of the City of West Branch called the Zoning Board of Appeals (ZBA). These bylaws are hereby enacted to facilitate the performance of its duties as outlined in Article 8 of the zoning ordinance and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*

SECTION 1: Members

- A. Appointments**—The members of the Board shall be appointed by the Mayor and approved by the City Council. The Committee shall consist of (5) five voting members with one member being a representative from the City Council, one member being a representative from the Planning Commission, and three members being West Branch City residents.
- B. Terms**—Each city resident member shall be appointed to a (3) year term with all members serving a staggered term with the exception of the planning commission representative, whose term shall run consecutively with the term as planning commissioner and the City Council member, whose term shall run consecutively with the term as Council Member.
- C. Stipend**—Board members shall receive a stipend of \$25 per meeting. Members may also receive reimbursement for costs associated with Board business if prior approval is authorized.

SECTION 2: Officers

- A. Selection and Tenure**— At the first regular meeting each January, the zoning board of appeals shall select from its membership a chairperson and vice chairperson. The secretary of the board shall be the City Manager or designee. All officers shall serve a term of one year, or until their successors are selected and assume office, except as noted in C, below. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. Chairperson**—The chairperson shall preside at all meetings, appoint committees, and perform such other duties as ordered by the zoning board of appeals or City Council. An alternate member nor an elected officer of the City shall serve as chairperson.
- C. Vice Chairperson**—The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the zoning board of appeals shall select a successor to the office of vice chairperson for the unexpired term.

- D. Secretary**—The secretary shall execute documents in the name of the zoning board of appeals and shall perform such other duties as the zoning board of appeals may determine.
1. **Minutes**—The secretary shall be responsible for a permanent record of the minutes of each meeting and shall have them recorded in suitable permanent records retained by the City clerk. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions, record of votes, conditions, or recommendations made on any action as well as a record of attendance.
 2. **Correspondence**—The secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the zoning board of appeals. All communications, petitions, reports, or other written materials received by the secretary shall be brought to the attention of the zoning board of appeals.
 3. **Attendance**—The secretary shall be responsible for maintaining an attendance record for each zoning board of appeals member and report those records annually to the zoning board of appeals chairperson.
 4. **Notices**—The secretary shall issue such notices as may be required by the zoning board of appeals including Open Meetings Act notices, as well as notice required for specific actions under the Michigan Zoning Enabling Act.
 5. **Agenda**—The secretary shall be responsible for preparing an agenda for zoning board of appeals meetings. The agenda may be modified by action of the zoning board of appeals.

SECTION 3: Meetings

The business the zoning board of appeals may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The zoning board of appeals may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. Regular Meetings**—The zoning board of appeals shall schedule an annual regular meeting on the first Thursday of January of each year at 6:00 PM. Other meetings may be held as necessary. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the zoning board of appeals shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting. All meetings shall be held in the Council Chambers of City Hall.
- B. Notice**—Notice required for specific requests or actions will be given in accordance with the Michigan Zoning Enabling Act or other applicable statute.
- C. Public Hearings**—All public hearings held by the zoning board of appeals must be held as part of a regular or special meeting of the zoning board of appeals.
- D. Quorum**—A majority of the regular members of the zoning board of appeals shall constitute a quorum for transacting business and taking official action for all matters. The zoning board of appeals shall not conduct business unless a majority of the regular members is present.
- E. Voting**—To pass or deny and use any dimensional variance, appeal, or other official action required by the zoning ordinance, an affirmative vote of at

least a majority of the total membership of the zoning board of appeals is required except that a vote of 2/3 of the membership shall be required to approve a use variance. Voting shall be by voice vote. A roll call vote shall be required if requested by any zoning board of appeals member or directed by the chairperson. In all roll call votes, the name of the members of the board shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote. Except in the case of a conflict of interest, all zoning board of appeals members, including the chairperson, shall vote on all matters.

- F. **Public Records**—All meetings, minutes, records, documents, correspondence, and other materials of the zoning board of appeals shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- G. **Parliamentary Procedure**—Parliamentary procedure at all meetings of the Board shall be in accordance to Roberts Rules of Order.

SECTION 4: Duties of the Zoning Board of Appeals

The zoning board of appeals shall perform the following duties:

- A. Act on applications for dimensional and use variances, appeals, interpretations, or other matters as authorized or required by the zoning ordinance and the Michigan Zoning Enabling Act.
- B. Perform other duties and responsibilities as requested by the City Council or as may be specified in the zoning ordinance.
- C. Conduct site visits as deemed necessary to evaluate an application and supporting material. Site visits shall be conducted individually.
- D. Attend trainings as required.

SECTION 5: Absences, Removals, Resignations, Vacancies and Alternates

- A. To be excused, zoning board of appeals members shall notify the secretary, zoning board of appeals chairperson, or if the first two cannot be notified, any other zoning board of appeals member when they intend to be absent from a meeting. Failure to make this notification prior to a meeting shall result in an unexcused absence.
- B. Members of the zoning board of appeals may be removed by the City board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- C. A member may resign from the zoning board of appeals by sending a letter of resignation to the City Clerk.
- D. A successor shall be appointed not more than 30 days after the term of the preceding member has expired. Successors shall serve out the unexpired term of the member being replaced, with the exception of the planning commission representative, whose term shall run consecutively with the term as planning commissioner and the City Council member, whose term shall run consecutively with the term as Council Member.
- E. The City Council may appoint not more than two alternates to the zoning

board of appeals. An alternate member may be called to serve as a member of the zoning board of appeals as provided in the zoning ordinance and the Michigan Zoning Enabling Act.

SECTION 6: Conflict of Interest

- A. Before casting a vote on a matter on which a zoning board of appeals member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the zoning board of appeals. Failure of a member to disqualify him or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- B. Conflict of interest is defined as, and a zoning board of appeals member shall declare a conflict of interest and abstain from participating in zoning board of appeals deliberations and voting on a request, when:
 - 1. An immediate family member is involved in any request for which the zoning board of appeals is asked to make a decision.

AS per MCL 168.2: An individual's father, mother, son, daughter, brother, sister, spouse, or any relative of any degree residing in the same household as that individual is considered to be an immediate family member.

- 2. The zoning board of appeals member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association.
- 3. The zoning board of appeals member owns or has a financial interest in neighboring property.

For the purposes of this section, a neighboring property shall include any property immediately adjoining the property involved in the request.

- 4. There is a reasonable appearance of a conflict of interest, as determined by the zoning board of appeals member declaring such conflict.
- 5. The zoning board of appeals member is also a member of the planning commission or the City Council and voted on the same matter as a member of the planning commission or City Council. However, the member may consider and vote on other unrelated matters involving the same property.
- C. The zoning board of appeals member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the zoning board of appeals. He or she should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict may absent him/herself from the room in which the discussion takes place, unless doing so would violate his or her constitutionally protected rights to participate. He or she should not make any presentations to the zoning board of appeals as a representative of the proposal.

SECTION 7: Amendments

These bylaws may be amended at any meeting by a vote of a majority of the membership of the zoning board of appeals.

Yes – Burgin, Colclasure, Jackson.

No – None

Absent – Fachting, Jones

Motion carried

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Acting Chairperson Jackson adjourned the meeting at 6:15 p.m.



August 8, 2023



T1 P1 155 *****AUTO**ALL FOR AADC 480

City of West Branch

121 N. Fourth Street

West Branch, MI 48661-1217

Re: Charter Communications – Upcoming Changes

Dear Franchise Official:

On or around August 15, 2023, Spectrum Mid-America, LLC ("Spectrum") will cease the alternative SEC Network feed on the channel line-up serving your community. A slate message that programming is no longer available will be displayed on the channel for approximately two weeks.

The primary feed of SEC Network will remain available to customers.

If you have any questions about this change, please feel free to contact me at (906) 553-7866.

Sincerely,

A handwritten signature in blue ink that reads "Joan Movrich".

Joan Movrich

Manager – State Government Affairs, Michigan

Charter Communications

**CITY OF WEST BRANCH
CITY COUNCIL MEETING
AUGUST 21, 2023**

PLEASE TAKE NOTICE that the West Branch City Council meeting scheduled for Monday, August 21, 2023 at 6:00 pm will be conducted both in person and virtually (online and/or by phone), due to health concerns surrounding Coronavirus/COVID-19 pandemic.

Public comment will be handled by the "Raise Hand" method as instructed below within Participant Controls.

To comply with the Americans with Disabilities Act (ADA), any citizen requesting accommodation to attend this meeting, and/or to obtain this notice in alternate formats, please contact the City Clerk by phone at (989) 345-0500 from 8:00 am-4:30 pm Monday- Friday or by email at clerk@westbranch.com, at least five business days prior to the meeting.

Zoom Instructions for Participants

To join the conference by phone:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touch-tone (DTMF) keypad.

Before a videoconference:

1. You will need a computer, tablet, or smartphone with speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. Details, phone numbers, and links to videoconference or conference call is provided below. The details include a link to "**Join via computer**" as well as phone numbers for a conference call option. It will also include the 9-digit Meeting ID.

To join the videoconference:

2. At the start time of your meeting, enter the link to **join via computer**. You may be instructed to download the Zoom application.
3. You have an opportunity to test your audio at this point by clicking on "Test Computer Audio." Once you are satisfied that your audio works, click on "Join audio by computer."

You may also join a meeting without the link by going to join.zoom.us on any browser and entering the Meeting ID provided below.

If you are having trouble hearing the meeting, you can join via telephone while remaining on the video conference:

1. On your phone, dial the teleconferencing number provided below.
2. Enter the **Meeting ID number** (also provided below) when prompted using your touch-tone (DTMF) keypad.
3. If you have already joined the meeting via computer, you will have the option to enter your 2-digit participant ID to be associated with your computer.

Participant controls in



Using the icons in the lower left

- Mute/Unmute your microphone ("Start")
- Turn on/off camera ("Start")
- Invite other participants
- View Participant List — opens a virtual hand during the meeting
- Change your screen name that
- Share your screen

Somewhere (usually upper right corner) on a choice to toggle between "speaker" and "Gallery view" tiles all of the meeting participants

Meeting Information:

Topic: West Branch City Council Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/85212616814?pwd=c>

Meeting ID: 852 1261 6814

Passcode: 604832

One tap mobile

+16465588656,,85212616814#,,, *604832# US (New York)

+16469313860,,85212616814#,,, *604832# US

Dial by your location

- +1 646 558 8656 US (New York)
- +1 646 931 3860 US
- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 9128 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US

Meeting ID: 852 1261 6814

Passcode: 604832

Find your local number: <https://us02web.zoom.us/j/kyafyZrc4>