

- AGENDA -

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL TO BE HELD AT WEST BRANCH
CITY HALL, 121 N. FOURTH ST. ON MONDAY, MARCH 20, 2017 BEGINNING AT **6:00 P.M.**

[PLEASE NOTE: All guests and parties in attendance are asked to sign in. Public comments and matters from the floor are generally limited to 3 minutes in length. If you would like to request more time to speak, please do so in advance of the meeting by indicating on the sign-in sheet the total amount of time you are requesting. All such requests are subject to approval by Council. All in attendance are also asked to please remove hats and/or sunglasses during meetings and to please silence all cell phones and other electronic devices. Those in attendance are also asked to **please refrain from having private conversations while meetings are in progress.**]

[DISCLAIMER: Views or opinions expressed by City Council Members or City employees during City Council Meetings are those of the individuals speaking and do not necessarily represent the views or opinions of the City Council as a whole or the City at large.]

[NOTICE: **It is possible that audio and/or video may be recorded during the public meetings of the West Branch City Council.**]

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Public Hearings
 - A. 6:02 p.m. hearing to take public comment on possible change to Lindsay Street
- V. Additions to the Agenda
- VI. Public Comment – Agenda Items Only – 3 Minute Limit (general rule)
- VII. Scheduled Matters from the Floor
 - A. Wastewater Utility of the Year Award – WWTP Superintendent Dan Robb
 - B. Chamber of Commerce – Circus Request
- VIII. Bids
- IX. Unfinished Business
 - A. Lindsay Street One-Way Issue
 - B. Downtown Parking Issues
 - C. Industrial Park Lot Sale
- X. New Business
 - A. Bills

- B. Tolfree Foundation Ride On Event
- C. Resolution 17-05
- D. Water bill insert for North Woods Knit and Pearl
- E. Bark for Your Park Grant Opportunity
- F. Closed Session to discuss Senior Center Litigation
- XI. Approval of minutes from the Work Session and minutes and summary from the Special Meeting held March 9, 2017.
- XII. Consent Agenda (Consent Agenda items are considered routine and can be enacted by one motion.)
 - A. February Police Department Report
 - B. Board of Review meeting held March 13, 2017
 - C. Treasurer's Report and Investment Summary
- XIII. Communications
 - A. Charter Cable lineup changes
 - B. I-75 Construction
 - C. MDOT Annual Rural Elected Officials meeting
 - D. Tour of Façade Grant Applicants by SHPO Representative Robb McKay
- XIV. Reports and/or comments
 - A. Mayor
 - B. Council Members
 - C. City Manager
 - 1. Capital Improvements Policy Direction
 - 2. Capital Conference & Task Force on OPEB & Municipal Pensions
 - 3. Scheduling of Work Session for March Review & PD Budget Issues

XV. Public Comment – Any Topic – 3 Minute Limit (general rule)

XVI. Adjournment

NOTICE OF PUBLIC HEARING

The West Branch City Council will hold a public hearing on Monday, March 20, 2017 at 6:02 p.m. in the Council Chamber of City Hall, 121 N. Fourth St. The purpose of the hearing is to take public comment on a possible change to Lindsay St., making it a one-way street and installing a sidewalk to make for a safer walk for students walking to and from school. Parties interested are asked to please attend the hearing and share their comments before Council considers making any decisions on the matter. Any questions concerning this public hearing can be directed to West Branch City Hall at (989) 345-0500.

John Dantzer
West Branch City Clerk



Proposal for Circus

3/16/2017

West Branch City Council,

I will be at a conference in Detroit during the time of your meeting on Monday, March 15th. An opportunity came and approved through the Chamber Board of Directors Thursday, March 16th.

The West Branch Area Chamber of Commerce would like to bring a circus back to our community. Last year we had a circus and it was a great success. Utilized the field behind the Surline Schools and it worked out great.

This year the Chamber would like to use Carson & Barnes Circus. They do a full circus and also do a dinosaur show. They have been in business for 80 years since 1937.

The West Branch Area Chamber of Commerce is looking for approval to bring this circus to town August 13th or August 14th. These are the two dates the circus is available. They will only utilize 1 day.

This would actually be great because I can hand out the Fair schedule to all those that would be coming to the fair.

**I have the Insurance Certificate

What else would you need and I will get it to you.

Thank you

Heather Neuhaus

***Michelle Frechette is on the Chamber Board of Directors.
Please visit the website www.bigtopshow.com



March 8, 2017

Heather Grace, City Manager
City of West Branch
121 North Fourth Street
West Branch, Michigan 48661

Re: Tolfree Foundation's Ride On -- Motorcycle ride to benefit Hospice of Helping Hands.

Dear Ms Grace:

Saturday, July 8, 2017 at 11:00 am the Tolfree Foundation is hosting its 3rd annual *Ride On* event, dedicating it this year as a tribute to veterans and fallen riders. The 109 mile ride will leave from the Tolfree Wellness Park in West Branch and continue on through scenic northeastern Michigan.

Ride On will depart from Tolfree Wellness Park, turning north on M-30 and then east onto Houghton Avenue. Last year, the Chief of Police, Ken Walters helped with the escort of our 160 riders through the city, and we would like to request his assistance again this year, as well as permission from the City of West Branch to include Houghton Avenue as part of our route. The ride will not be stopping at anytime in the City or using the sidewalks. We will simply be driving through. We anticipate approximately the same number of riders as last year.

Please let me know if this requests meets your approval, and thank you for your consideration. If you have any questions or need further information please feel free to contact me at: (989) 343-3694. For additional info on *Ride On* visit www.tolfreefoundation.org

Sincerely,

A handwritten signature in cursive script that reads "Cynthia Longchamps".

Cynthia Longchamps
Executive Director

Cc: Denise Lawrence, City Mayor
City of West Branch

RESOLUTION #17-05

WHEREAS, Progress St. is currently designated as a local street, and

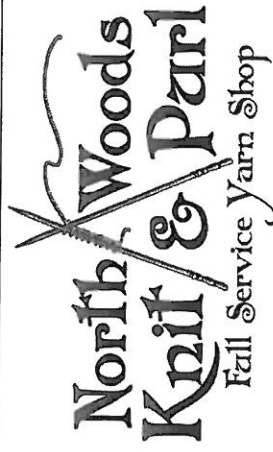
WHEREAS, Progress St. is currently carrying a relatively high volume of traffic, and

WHEREAS, Progress St. provides an integral network to service the traffic demands created by commercial and other traffic generating centers, and

WHEREAS, the Planning Commission, at their regular meeting on February 14, 2017, approved the recommendation to City Council to change the designation of Progress St. from a Local to a Major Street, and

WHEREAS, the City Council at their regular meeting on March 20, 2017, examined the recommendation from Planning Commission and agreed that the designation of Progress St should be changed from a Local to a Major street, and

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council hereby designates Progress Street to be reclassified as a Major Street.



989-701-2725

Full line of yarns and fibers, needles and hooks, books and patterns.

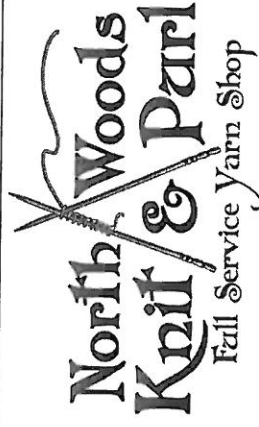
We also feature classes, events and trunk shows

Almost daily Sit 'n Knit" Sessions, and experienced Instructors.

Our hours are 10-5 M-Sat and 10-9 on Thursdays.

103 Plaza Drive (across from Walgreens in West Branch)

Present this coupon and get
10% off your purchase
(exclusions apply).



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National Dog Park Day

The first Saturday in May is a party for the pups! Enjoy the spring air, stretch your legs and meet some fellow dog lovers in your community. Trainers, shelters, retailers & pet lovers join other dog owners around the country as we celebrate our furry friends at your local dog park.

What's needed to apply for a grant:

Your community can use this time before May 1st to prepare their paperwork.

Land Verification & Civic Support

In order to qualify for a grant, your community must find land and approve its use for a dog park. You'll need Civic support so be sure to work with local government and landowners for this grant application!

Check back soon for requirements!

Doggie Dream Yard Giveaway

Enter to win the backyard of your dog's dreams!

Coming Soon
May 1st



RUN FREE

Peace of mind for you, freedom for your pet with an in-ground or wireless fence for your furry friend to run free.



**Bringing dog parks to more places
and helping communities every step
of the way.**

PetSafe® Brand is committed to helping communities across the country create safe, off-leash areas for pets and their owners to enjoy for years to come. The Bark for Your Park™ Grant Program provides funding to break ground on new parks and fund improvements and maintenance for existing parks. PetSafe Brand will award 25 communities: five \$25,000 grants to build new dog parks, ten \$10,000 awards to maintain existing dog parks and ten \$5,000 grants to enhance existing dog parks.

*Awards may include cash, equipment or a combination of both.

City Manager Notes on

Rules Governing the Regulation of Parking within the City of West Branch:

- At our February 20th Council Meeting, Council voted to (1) “Eliminate parking on the East side of South Second Street and the West side of Third Street in front of residential lots”; and (2) “Eliminate street side parking State Street from Fairview Road to First Street”. The reason for that these 14 parking spaces were recommended to be eliminated by the City Planning Commission was two-fold: first was due to safety considerations, and the second was due to state mandates through Act 51 requirements, which indicate that in order for a street to remain qualified as a “major street” and continued eligibility to receive state MTF funding, an existing major street must have at least two 1-foot lanes, unencumbered by parked vehicles, and in order for parking to be allowed on the shoulder there must be a minimum clear shoulder width of at least eight feet (or 9 feet if there are average daily traffic volumes in excess of 5,000 or peak two-way traffic volumes in excess of 600).
- During the discussion before and after the votes at the February 20th Council meeting involving the elimination of the parking spaces, Council inquired as to how the changes would be noticed to the public, and it was noted that new signage and curb striping/painting would be implemented, as appropriate, once the weather allowed for it. Council also requested that I inquired to make sure that appropriate ordinances were in place to allow for the enforcement of the new parking requirements.
- After some inquiry, I determined that the proper ordinances are in fact already in place to enforce the vote of Council in regards to the changes to the parking spaces, due to the fact that the City has already adopted ordinances that adopt by reference the Michigan Vehicle and Uniform Traffic Code, which allow municipalities to prohibit parking within areas of their jurisdiction, provided that proper signage is in place.
- Therefore, to answer Council’s previous questions about when their February 20th vote to remove parking would be enforceable, the answer is that the changes would be enforceable after the proper “no parking” signage is in place. [See below for additional details].

GENERAL PROVISIONS

§ 70.01 DEFINITIONS.

Definitions of terms used in this Title VII, as far as the same apply to driving and parking of motor vehicles, shall be as defined in Michigan Vehicle Code, as said State Vehicle Code definitions may be amended from time to time.

(Ord. 53, passed 2-9-39)

MICHIGAN VEHICLE AND UNIFORM TRAFFIC CODE

§ 70.15 ADOPTION OF MICHIGAN VEHICLE CODE BY REFERENCE.

(A) The most current version of the Michigan Vehicle Code and Related Laws Concerning Ownership and Use of Vehicles on the Streets and Highways as amended from time to time is hereby adopted by reference as in this subchapter modified.

(B) All references in the Michigan Vehicle Code for Michigan cities, townships and villages to GOVERNMENTAL UNIT shall mean the City of West Branch.

(Ord. 204, passed 6-18-90)

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.674 Prohibited parking; exceptions; bus loading zone; violation as civil infraction.

Sec. 674.

(1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:

- (a) On a sidewalk.
- (b) In front of a public or private driveway.
- (c) Within an intersection.
- (d) Within 15 feet of a fire hydrant.
- (e) On a crosswalk.
- (f) Within 20 feet of a crosswalk, or if there is not a crosswalk, then within 15 feet of the intersection of property lines at an intersection of highways.
- (g) Within 30 feet of the approach to a flashing beacon, stop sign, or traffic-control signal located at the side of a highway.
- (h) Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking.
- (i) Within 50 feet of the nearest rail of a railroad crossing.
- (j) Within 20 feet of the driveway entrance to a fire station and on the side of a street opposite the entrance to a fire station within 75 feet of the entrance if properly marked by an official sign.
- (k) Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic.
- (l) On the roadway side of a vehicle stopped or parked at the edge or curb of a street.
- (m) Upon a bridge or other elevated highway structure or within a highway tunnel.

- (n) At a place where an official sign prohibits stopping or parking.
- (o) Within 500 feet of an accident at which a police officer is in attendance, if the scene of the accident is outside of a city or village.
- (p) In front of a theater.
- (q) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.
- (r) In a place or in a manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.
- (s) In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person as described in section 19a or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle shall display 1 of the following:
 - (i) A certificate of identification or windshield placard issued under section 675 to a disabled person.
 - (ii) A special registration plate issued under section 803d to a disabled person.
 - (iii) A similar certificate of identification or windshield placard issued by another state to a disabled person.
 - (iv) A similar special registration plate issued by another state to a disabled person.
 - (v) A special registration plate to which a tab for persons with disabilities is attached issued under this act.
- (t) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.
- (u) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.
- (v) Within 500 feet of a fire at which fire apparatus is in attendance, if the scene of the fire is outside a city or village. However, volunteer fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision.
- (w) In violation of an official sign restricting the period of time for or manner of parking.
- (x) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired, unless the vehicle properly displays 1 or more of the items listed in section 675(8).
- (y) On a street or highway in such a way as to obstruct the delivery of mail to a rural mailbox by a carrier of the United States postal service.
- (z) In a place or in a manner that blocks the use of an alley.

- (aa) In a place or in a manner that blocks access to a space clearly designated as a fire lane.
- (2) A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.
- (3) A bus, for the purpose of taking on or discharging passengers, may be stopped at a place described in subsection (1)(b), (d), or (f) or on the roadway side of a vehicle illegally parked in a legally designated bus loading zone. A bus, for the purpose of taking on or discharging a passenger, may be stopped at a place described in subsection (1)(n) if the place is posted by an appropriate bus stop sign, except that a bus shall not stop at such a place if the stopping is specifically prohibited by the responsible local authority, the state transportation department, or the director of the department of state police.
- (4) A person who violates this section is responsible for a civil infraction.

History: 1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1977, Act 19, Eff. Oct. 1, 1977 ;-- Am. 1978, Act 510, Eff. Aug. 1, 1979 ;-- Am. 1978, Act 546, Imd. Eff. Dec. 22, 1978 ;-- Am. 1979, Act 66, Eff. Aug. 1, 1979 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981 ;-- Am. 1985, Act 69, Imd. Eff. July 1, 1985 ;-- Am. 1986, Act 69, Eff. Mar. 31, 1987 ;-- Am. 1986, Act 222, Eff. Oct. 1, 1986 ;-- Am. 1988, Act 150, Eff. Nov. 11, 1988 ;-- Am. 1994, Act 104, Eff. Oct. 1, 1994 ;-- Am. 1998, Act 68, Imd. Eff. May 4, 1998 ;-- Am. 2000, Act 76, Eff. Oct. 1, 2000 ;-- Am. 2000, Act 268, Eff. Oct. 1, 2000

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.606 THIS SECTION IS AMENDED EFFECTIVE JANUARY 5, 2018: See 257.606.amended

257.606 Regulation of streets or highways under jurisdiction of local authority and within reasonable exercise of police power; stop sign or traffic control device requiring state trunk line highway traffic to stop; approval; posting signs giving notice of local traffic regulations; providing by ordinance for impounding of motor vehicle parked contrary to local ordinance; bond or cash deposit.

Sec. 606.

- (1) The provisions of this chapter shall not be considered to prevent local authorities with respect to streets or highways under the jurisdiction of the local authority and within the reasonable exercise of the police power from:
- (a) Regulating the standing or parking of vehicles.
 - (b) Regulating the impoundment or immobilization of vehicles whose owner has failed to answer 6 or more parking violation notices or citations regarding illegal parking.
 - (c) Regulating traffic by means of police officers or traffic control signals.
 - (d) Regulating or prohibiting processions or assemblages on the highways or streets.
 - (e) Designating particular highways as 1-way highways and requiring that all vehicles on those highways be moved in 1 specific direction.

- (f) Regulating the speed of vehicles in public parks.
 - (g) Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the through highway; designating any intersection as a stop intersection and requiring all vehicles to stop at 1 or more entrances to these intersections; or designating intersections at which vehicular traffic shall be required to yield the right of way at 1 or more entrances to these intersections.
 - (h) Restricting the use of highways as authorized in section 726.
 - (i) Regulating the operation of bicycles and requiring the registration and licensing of bicycles, including the requirement of a registration fee.
 - (j) Regulating or prohibiting the turning of vehicles at intersections.
 - (k) Increasing the prima facie speed limits as authorized in this act.
 - (l) Adopting other traffic regulations as are specifically authorized by this chapter.
- (2) A local authority shall not erect or maintain a stop sign or traffic control device at a location so as to require the traffic on any state trunk line highway to stop before entering or crossing any intersecting highway unless approval in writing has been first obtained from the director of the state transportation department.
- (3) An ordinance or regulation enacted under subsection (1)(a), (d), (e), (f), (g), (i), or (j) shall not be enforceable until signs giving notice of the local traffic regulations are posted upon or at the entrance to the highway or street or part of the highway or street affected, as may be most appropriate, and are sufficiently legible as to be seen by an ordinarily observant person. The posting of signs giving the notice shall not be required for a local ordinance which does not differ from the provisions of this act regulating the parking or standing of vehicles; nor to ordinances of general application throughout the jurisdiction of the municipalities enacting the ordinances which prohibit, limit, or restrict all night parking or parking during the early morning hours, if signs, approximately 3 feet by 4 feet, sufficiently legible as to be seen by an ordinarily observant person, giving notice of these ordinances relating to all night parking or parking during the early morning hours, are posted on highways at the corporate limits of the municipality.
- (4) A local authority, in providing by ordinance for the impounding of any motor vehicle parked contrary to a local ordinance, shall not require a bond or cash deposit by the owner of the motor vehicle in excess of \$500.00 in order to recover the possession of the motor vehicle pending final adjudication of the case.

History: 1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 270, Eff. Sept. 28, 1951 ;-- Am. 1952, Act 254, Eff. Sept. 18, 1952 ;-- Am. 1955, Act 165, Imd. Eff. June 13, 1955 ;-- Am. 1980, Act 518, Eff. Mar. 31, 1981
