

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY DECEMBER 5, 2016.

Mayor William Ehinger called the meeting to order at 6:03 p.m.

Present: Mayor William Ehinger and Council Members Kim Ervans, Jim Hasty, Denise Lawrence, Tim Schaiberger, and Rusty Showalter.

Absent: Member Dave Lucas

Other officers present: City Manager Heather Grace, Treasurer/Clerk John Dantzer, and Police Chief Ken Walters.

All stood for the Pledge of Allegiance.

Bids were submitted for an application under the Home Improvement Plan for plumbing repairs. Manager Grace noted that everything was reviewed by the Third Party Administrator and it did conform to the requirements of the program.

Member Hasty addressed questions on the bids to make sure they were comparing apples to apples.

Member Ervans noted that he would like see the bids go to local contractors whenever possible.

Manager Grace noted that the City does not currently have a policy set to deal with awarding to local contractors.

Member Schaiberger noted that he would like to look into the idea of having a formal policy developed.

Clerk Dantzer noted that many of the Housing Improvement Program bids could be for loans that need to be paid back by the applicant.

**MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO AWARD THE HOME IMPROVEMENT PROGRAM BID TO COLVINS HEATING AND COOLING NOT TO EXCEED \$790.00.**

**Yes –Ehinger, Ervans, Hasty, Lawrence, Schaiberger, Showalter**

**No – None**

**Absent –Lucas**

**Motion carried**

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Manager Grace submitted updated wording to the MDOT Road Right of Way agreement for 508 E. Houghton Ave. which was the location of the formers Little Reds Party Store. Manager Grace noted that

it was reviewed by City Attorney Gabriel Dantzer and presented Council with her recommendations which noted some of the wording could alter the protection that the City was wanting.

Member Schaiberger noted that if it was going to alter the protection then he wouldn't be in favor of signing the new agreement.

Member Lawrence noted that she was not in favor of the new agreement either and that the protection that they are seeking is standard.

It was the consensus of Council not to agree to the new wording and notify the property owner that they would only agree to the previously submitted plan.

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**MOTION BY SHOWALTER, SECOND BY EHINGER, TO PAY THE BILLS IN THE AMOUNT OF \$156,084.22.**

**Yes –Ehinger, Ervans, Hasty, Lawrence, Schaiberger, Showalter**

**No – None**

**Absent –Lucas**

**Motion carried**

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Mayor Ehinger noted that they would have to appoint two new members to the Airport Board to replace the expiring terms of Mayor William Ehinger and Council Member Kim Ervans. Clerk Dantzer noted that the bylaws stated that the Mayor and one member of Council are to serve on the Board.

**MOTION BY ERVANS, SECOND BY SCHAIBERGER, TO APPOINT MAYOR ELECT DENISE LAWRENCE AND COUNCIL MEMBER JIM HASTY TO THE AIRPORT BOARD FOR TERMS EFFECTIVE JANUARY 1, 2017 TILL THEIR TERM AS MAYOR AND COUNCILMEMBER ENDED.**

**Yes –Ehinger, Ervans, Hasty, Lawrence, Schaiberger, Showalter**

**No – None**

**Absent – Lucas**

**Motion carried**

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Manager Grace submitted information on the Medical Marijuana Facilities Licensing Act and noted that the City had the option to opt in to the program, opt out of the program, or not do anything at this time. Manager Grace noted that she could not recommend opting in at this point because there were still too

many questions on how this would affect the revenues and expenditures of the City. She further noted that she does not feel that they have the appropriate zoning in place to deal with this and that it should go before the Planning Commission before the City would ever decide to opt in.

Mayor Ehinger asked the Council if the members had any thoughts on the subject.

Member Hasty noted that he was concerned that it could cause an increase in drug use and was not in favor of opting in to the program.

Member Schaiberger noted that at this point the City would not have to decide and would recommend not deciding at this point and that there is a lot of uncertainty for what could happen with this in the future.

Member Ervans noted that he was not in favor of it in any shape or any form.

Mayor Ehinger noted that he was not in favor of it at all either.

Member Ervans noted that it is an illegal drug and isn't different than any other illegal drug and again strongly stated that he is not in favor of it.

Member Schaiberger noted that he believes it is different than standard marijuana uses and challenged them to back up what they were saying with scientific data.

Mayor Ehinger noted that there are many reports of Colorado seeing an increase in babies being born with marijuana in their systems due to medical use by the parents and many doctors are saying they wish it would not have been allowed.

Member Schaiberger strongly noted that this was not the place to discuss this and that he again would like to see some evidence of what they are talking about and that they were just grandstanding. He further noted again that he was in favor of doing nothing at this point. He also noted that if they wanted to make a motion then make it and let's move on.

Member Showalter noted that the Michigan Municipal League (MML) is trying to remain neutral in this issue and that they are fighting to keep it at the local level for control. He also noted that much of the research done by the MML has noted that Colorado is starting to suffer from greater drug trafficking. He also noted that much of these numbers have come from the legalization of marijuana in general and not necessarily for medical marijuana only.

Member Hasty reminded everyone that we don't have to do anything at this point and that it could be a dead issue.

**MOTION BY ERVANS, SECOND BY LAWRENCE, TO NOT OPT IN TO ALLOWING ANY OF THE MARIJUANA FACILITIES AUTHORIZED UNDER THE MICHIGAN MEDICAL MARIJUANA FACILITIES LICENSING ACT, PUBLIC ACT 281 OF 2016, SET FORTH AT MCL 333.27101 ET SEQ.**

**Yes –Ehinger, Ervans, Hasty, Lawrence, Showalter**

**No – Schaiberger**

**Absent –Lucas**

**Motion carried**

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Manager Grace submitted MDOT Form 2207B which is required each year and authorizes who is able to sign for MDOT permits on behalf of the City.

**MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO AUTHORIZE CITY MANAGER, HEATHER GRACE; CLERK/TREASURER, JOHN DANTZER; AND OFFICE ASSISTANT, BRIDGET CHARLES TO APPLY FOR STATE HIGHWAY RIGHT OF WAY PERMITS ON BEHALF OF THE CITY FOR THE 2017 CALENDAR YEAR.**

**Yes –Ehinger, Ervans, Hasty, Lawrence, Schaiberger, Showalter**

**No – None**

**Absent – Lucas**

**Motion carried**

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**MOTION BY LAWRENCE, SECOND BY EHINGER, TO APPROVE THE MINUTES AND SUMMARY OF THE REGULAR MEETING HELD NOVEMBER 21, 2016.**

**Yes –Ehinger, Ervans, Hasty, Lawrence, Schaiberger, Showalter**

**No – None**

**Absent – Lucas**

**Motion carried**

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**MOTION BY SHOWALTER, SECOND BY EHINGER, TO RECEIVE AND FILE THE MINUTES WITH CORRECTIONS FROM THE PLANNING COMMISSION FROM THE MEETING HELD OCTOBER 25, 2016.**

**Yes –Ehinger, Ervans, Hasty, Lawrence, Schaiberger, Showalter**

**No – None**

**Absent –Lucas**

**Motion carried**

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**MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO RECEIVE AND FILE THE MINUTES FROM THE WASTEWATER TREATMENT PLANT AUTHORITY MEETING HELD MAY 31, 2016 AND THE OCTOBER POLICE DEPARTMENT REPORT.**

**Yes –Ehinger, Ervans, Hasty, Lawrence, Schaiberger, Showalter**

**No – None**

**Absent –Lucas**

**Motion carried**

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A communication was shared from the State Liquor Commission noting an application for a liquor license which would allow of the sale of beer and wine for off premise consumption for the Save-a-Lot store. Manager Grace noted that while the State is responsible for approving or denying the application, they will take into consideration any comment received from the local community.

Member Showalter noted that he thought the City was not allowed to have any more licenses and Manager Grace noted that the laws have changed over the years and the State has the entire say on it.

Member Schaiberger asked if they were selling beer and wine only or liquor as well. It was noted that the license they applied for was for beer and wine only.

Member Schaiberger asked Chief Walters if he had any concerns with the number of stores selling alcohol in the City. Chief Walters noted that he did not and that this was more of a way to allow Cities to have a voice so they didn't become overpopulated with liquor stores.

Council discussed the number of stores selling alcohol within the City limits.

It was the consensus of Council to not write a letter in support or opposition.

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Member Showalter noted that there are several bills on the legislative floor that deal with the changing or the removal of pensions for all municipal employees. He noted the MML is in support of leaving it in control of the local level. He noted that it could have drastic effects on all municipalities and that it is something everyone needs to keep an eye on.

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Manager Grace noted that the Patronicity Grant will start on Monday, December 12 and that it is to raise money for additions to Irons Park.

Manager Grace noted that she recently attended an MDOT transportation planning training and that the information provided at the meeting indicated that there are likely to be significant changes coming to the maintenance and reconstruction funding for state trunklines. She noted that they discussed looking at possibly trying to shift the costs for the maintenance and reconstruction of state trunklines to the local municipalities because MDOT does not have the funding to do it themselves. She also noted that they may be looking in some situations to consider having local municipalities take over ownership of some state trunklines. She further noted that MDOT staff warned everyone present at the training that within the next five years, all trunklines in the state were projected to become graded as 5's or below on the PASER scale. She also noted that based on the information she received at the training that she would not anticipate having a complete redesign and reconstruction of the downtown area in the near future.

Member Showalter asked if the Governor had any response to this. Manger Grace noted that MDOT indicated that they had been to the Governor with this and had not gotten anything from him and that this was their next step.

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Member Hasty asked about the Brewpub that Council approved a license for that was going to go downtown. Manager Grace noted that they were part of the recent DDA façade grant and that they were anticipating construction in the Spring sometime.

Member Hasty asked if the DPW has hired anyone yet. Manger Grace noted that they are currently conducting interviews.

Mayor Ehinger asked about a Stacey Alley update. Manager Grace noted that she has been making her payments as required by the new court order.

Mayor Ehinger thanked the DPW, City Police, and everyone else who helped with the Surline School food drive.

Member Lawrence noted that she received a call and that they have had people donate turkeys and potatoes to give out for the holiday and would appreciate any help they could get on December 18.

Member Lawrence also noted that they recently had an auction to raise money for Christmas for Kids, which is also scheduled to have a spaghetti dinner fundraiser.

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Mayor Ehinger adjourned the meeting at 6:58 pm

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William Ehinger, Mayor

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John Dantzer, Clerk