

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET ON MONDAY, DECEMBER 16, 2019.

Mayor Pro Tem Jackson called the meeting to order at 6:00 p.m.

Present: Mayor Pro Tem Mike Jackson, Council Members Joanne Bennett, Chris Powley, Ellen Pugh, and Cathy Zimmerman.

Absent: Mayor Paul Frechette and Council Member Dan Weiler.

Other officers present: City Manager Frank Goodroe, Clerk/Treasurer John Dantzer, Public Works Superintendent Mike Killackey, Chief Ken Walters, Deputy Clerk/Treasurer Michelle Frechette, Deputy Clerk Amanda Stang, and Planning Commission Vice Chair Bob David.

All stood for the Pledge of Allegiance.

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**MOTION BY BENNETT, SECOND BY ZIMMERMAN, TO PAY BILLS IN THE AMOUNT OF \$75,031.73.**

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None**

**Absent – Frechette, Weiler**

**Motion carried**

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**MOTION BY ZIMMERMAN, SECOND BY PUGH, TO APPROVE THE TAVERN LICENSE FOR BUCILLI’S PIZZA.**

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None**

**Absent – Frechette, Weiler**

**Motion carried**

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**MOTION BY BENNETT, SECOND BY PUGH, TO APPROVE THE UPDATED ZONING ORDINANCE AS SUBMITTED WITH THE ADDITION IN THE SIGN SECTION TO SAY “SIGN HEIGHT IS THE VERTICAL DISTANCE MEASURED FROM THE GROUND IMMEDIATELY BENEATH THE SIGN TO THE HIGHEST POINT OF THE SIGN OR IT’S PROJECTING STRUCTURE”.**

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None**

**Absent – Frechette, Weiler**

**Motion carried**

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**MOTION BY BENNETT, SECOND BY PAULEY, TO APPROVE RESOLUTION 19-22**

**RESOLUTION #19-22**

WHEREAS, City staff compares the year to date actual with the budgeted amount of all revenue and expenditures monthly; and

WHEREAS, during the review it was determined that the revenues in Fund 101, General Fund; the revenues in Fund 150, Cemetery Perpetual Care, the expenditures in Fund 202, Major Street, the revenues in Fund 248, DDA, the revenues and expenditures in Fund 251, Industrial Park, the revenues in Fund 276, Housing Resource, the revenues in Fund 583. Sewer Collection, and the expenditures in the Fund 661, Equipment will exceed their budget, and

WHEREAS, the revenues in Fund 101, general fund were underestimated in liquor license revenue, police in service training, and public works miscellaneous revenues, and the general fund grants were understated due to the revenue for a demotion grant, wellhead grant, and energy grant that was started in the previous fiscal year but not received until the current fiscal year, and

WHEREAS, the revenues in Fund 150, Cemetery Perpetual Care were underestimated due to more sales of lots than anticipated, and

WHEREAS, the expenditures in Fund 202, Major Street Construction was exceeded due to expenses for the construction of Fairview Rd. and Valley St being budgeted in the previous year but not being finished until the current fiscal year, and

WHEREAS, the revenues in Fund 248, DDA were underestimated in interest income, and

WHEREAS, the revenues and expenditures in Fund 251, Industrial Park will be exceeded due to the purchase and reverting of a lot in the office/service park and the resale of that lot to a new developer, and

WHEREAS, the revenues in Fund 276, Housing Resource were underestimated in interest income, and

WHEREAS, the revenues in Fund 593, Sewer Collection were underestimated in service fees, interest income, and miscellaneous revenue, and

WHEREAS, the expenditures in Fund 661, Equipment were underestimated due to the purchase of a police vehicle and DPW vehicle that were accounted for in the previous fiscal year but was not completed until the current fiscal year, and

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

GL NUMBER	DESCRIPTION	CURRENT BUDGET	AMENDED BUDGET
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Fund 101 -

Revenues

Dept 000.000

101-000.000-403.400	CURRENT PROPERTY TAX GEN.OP.	974,795.00	974,795.00
101-000.000-404.400	CURRENT PROPERTY TAX REFUSE	195,046.00	195,046.00
101-000.000-446.400	PENALTIES AND INTEREST CUR.TA	9,496.00	9,496.00
101-000.000-448.400	ADMINISTRATIVE FEES ON CUR.TA	31,350.00	31,350.00
101-000.000-477.400	CABLE TV FRANCHISE FEES	41,367.00	41,367.00
101-000.000-540.400	MDOT FEDERAL REVENUE	0.00	0.00
101-000.000-564.400	INDUSTRIAL PARK	2,000.00	2,000.00
101-000.000-573.400	LOCAL COMMUNITY STABILIZATION SHARE	0.00	0.00
101-000.000-574.400	SALES (STATUTORY)	26,544.00	26,544.00
101-000.000-575.400	REVENUE SHARING (CONSTITUTIONAL)	181,176.00	181,176.00
101-000.000-577.400	LIQUOR LICENSE	3,494.00	4,250.00
101-000.000-580.400	FRANCHISE FEE REVENUE	0.00	0.00
101-000.000-590.400	SEWER FUND ADMINISTRATION	60,000.00	60,000.00
101-000.000-590.401	SEWER COLLECTION ADMIN.	16,000.00	16,000.00
101-000.000-591.400	WATER FUND ADMINISTRATION	20,000.00	20,000.00
101-000.000-592.400	LOCAL STREET ADMIN. FEE	4,400.00	4,400.00
101-000.000-593.400	MAJOR STREET ADMIN. FEE	9,500.00	9,500.00
101-000.000-594.400	CEMETERY ADMIN. FEE	1,000.00	1,000.00
101-000.000-597.400	DDA ADMINISTRATIVE	6,000.00	6,000.00
101-000.000-634.400	GRANT	69,800.00	85,000.00
101-000.000-634.401	GRANT - ECONOMIC ADVANCEMENT	0.00	0.00
101-000.000-638.400	PROJECT INCOME	0.00	0.00
101-000.000-642.400	SALES OF LOTS	0.00	0.00
101-000.000-661.400	MOTOR VEHICLE FUND	12,000.00	12,000.00
101-000.000-664.400	INTEREST INCOME	6,500.00	6,500.00
101-000.000-671.400	CONTRIBUTIONS	0.00	0.00
101-000.000-672.400	VETERAN BANNER CONTRIBUTIONS	5,800.00	5,800.00
101-000.000-695.080	LAND CONTRACT PROCEEDS	0.00	0.00
101-000.000-695.400	MISCELLANEOUS	15,859.00	15,859.00
101-000.000-695.405	REFUSE RECYCLING DONATIONS	5,083.00	5,083.00
Total Dept 000.000		1,697,210.00	1,713,166.00

Dept 301.000 - POLICE DEPARTMENT

101-301.000-578.400	IN-SERVICE TRAINING	400.00	450.00
101-301.000-634.400	GRANT	10,000.00	10,000.00
101-301.000-654.400	TRAFFIC BUREAU	1,925.00	1,925.00
101-301.000-655.400	ACCIDENT REPORTS	450.00	450.00
101-301.000-656.400	DISTRICT COURT FINES	4,000.00	4,000.00
101-301.000-693.400	NSF FEES	0.00	0.00
101-301.000-695.400	MISCELLANEOUS	1,550.00	1,550.00

101-301.000-695.401	MISC. ED. & TRAINING 302	650.00	650.00
101-301.000-695.406	POLICE SAFETY INCOME	0.00	0.00
101-301.000-695.407	FORFEITURE FUNDS	400.00	400.00
Total Dept 301.000 - POLICE DEPARTMENT		19,375.00	19,425.00

Dept 441.000 - PUBLIC WORKS DEPARTMENT			
101-441.000-673.400	TRANSFER FROM DDA FUND	15,300.00	15,300.00
101-441.000-695.400	MISCELLANEOUS	100.00	500.00
101-441.000-695.410	MDOT REVENUE	13,900.00	13,900.00
101-441.000-695.415	OTHER GOV'T UNITS	0.00	0.00
Total Dept 441.000 - PUBLIC WORKS DEPARTMENT		29,300.00	29,700.00

ANTICIPATED CARRYOVER		1,018,406.00	1,034,812.00
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Fund 150 - CEMETERY PERPETUAL CARE

Revenues		CURRENT	AMENDED
Dept 000.000		BUDGET	BUDGET
150-000.000-642.400	SALES OF LOTS	500.00	1,800.00
150-000.000-664.400	INTEREST INCOME	0.00	0.00
Total Dept 000.000		500.00	1,800.00
TOTAL REVENUES		500.00	1,800.00

Expenditures			
Dept 965.209 - TRANSFER TO CEMETERY			
150-965.209-999.700	TRANSFER TO OTHER ACCOUNTS	0.00	0.00
Total Dept 965.209 - TRANSFER TO CEMETERY		0.00	0.00
TOTAL EXPENDITURES		0.00	0.00

Fund 150 - CEMETERY PERPETUAL CARE:			
TOTAL REVENUES		500.00	1,800.00
TOTAL EXPENDITURES		0.00	0.00
NET OF REVENUES & EXPENDITURES		500.00	1,800.00
ANTICIPATED CARRY OVER		263,273.00	265,073.00

Fund 202 - MAJOR STREET FUND

Dept 451.000 - CONSTRUCTION			
202-451.000-703.700	SALARIES AND WAGES	2,500.00	2,500.00
202-451.000-710.700	OVERTIME	800.00	800.00
202-451.000-714.700	MANDATORY MEDICARE	105.00	105.00
202-451.000-715.700	SOCIAL SECURITY (EMPLOYER)	390.00	390.00
202-451.000-718.700	MERS RETIREMENT (EMPLOYER)	995.00	995.00
202-451.000-720.700	WORKERS COMPENSATION PREMIUM	0.00	0.00
202-451.000-724.700	UNEMPLOYMENT INS. BENEFIT	445.00	445.00
202-451.000-727.700	OPERATING SUPPLIES	550.00	550.00
202-451.000-801.700	CONTRACTUAL SERVICES	47,500.00	205,000.00
202-451.000-941.700	EQUIPMENT RENTAL	1,700.00	1,700.00
202-451.000-956.700	EXPENSES	100.00	100.00
Total Dept 451.000 - CONSTRUCTION		55,085.00	212,585.00

ANTICIPATED CARRYOVER	604,697.00	458,296.00
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Fund 248 - DDA OPERATING FUND

Revenues

Dept 000.000

248-000.000-400.400	TAX INCREMENT FINANCING	53,000.00	53,000.00
248-000.000-403.400	CURRENT PROPERTY TAX GEN.OP.	20,000.00	20,000.00
248-000.000-408.400	PERSONAL PROPERTY TAX LOSS REIMBURSEMENT	35,300.00	35,300.00
248-000.000-634.400	GRANT	45,000.00	45,000.00
248-000.000-664.400	INTEREST INCOME	250.00	520.00
248-000.000-695.400	MISCELLANEOUS	400.00	400.00
Total Dept 000.000		153,950.00	154,220.00

TOTAL REVENUES

153,950.00	154,220.00
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Expenditures

Dept 000.000

248-000.000-729.700	FLOWER PROJECT	5,000.00	5,000.00
248-000.000-750.700	RETAIL MERCHANTS	7,500.00	7,500.00
248-000.000-782.700	ADMINISTRATION	2,400.00	2,400.00
248-000.000-801.700	CONTRACTUAL SERVICES	129,750.00	129,750.00
248-000.000-865.700	PROFESSIONAL DEVELOPMENT	0.00	0.00
248-000.000-935.703	SHOWMOBILE EXPENSES	300.00	300.00
248-000.000-940.700	GEN. MAINTENANCE/SNOW REMOVAL	7,500.00	7,500.00
248-000.000-948.700	TRANSFER TO GENERAL FUND	0.00	0.00
248-000.000-956.700	EXPENSES	1,500.00	1,500.00
Total Dept 000.000		153,950.00	153,950.00

TOTAL EXPENDITURES	153,950.00	153,950.00
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Fund 248 - DDA OPERATING FUND:

TOTAL REVENUES	153,950.00	154,220.00
TOTAL EXPENDITURES	153,950.00	153,950.00
NET OF REVENUES & EXPENDITURES	0.00	270.00
ANTICIPATED CARRYOVER	42,662.00	42,932.00

Fund 251 - INDUSTRIAL PARK FUND

Revenues

Dept 000.000

251-000.000-642.400	SALES OF LOTS	0.00	70,000.00
251-000.000-664.400	INTEREST INCOME	2,500.00	2,500.00
Total Dept 000.000		2,500.00	72,500.00

TOTAL REVENUES	2,500.00	72,500.00
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Expenditures

Dept 000.000

251-000.000-703.700	SALARIES AND WAGES	1,066.00	1,066.00
251-000.000-714.700	MANDATORY MEDICARE	15.00	15.00
251-000.000-715.700	SOCIAL SECURITY (EMPLOYER)	70.00	70.00
251-000.000-716.700	BC/BS HEALTH INSURANCE PREMIUM	0.00	0.00
251-000.000-718.700	MERS RETIREMENT (EMPLOYER)	15.00	15.00
251-000.000-720.700	WORKERS COMPENSATION PREMIUM	45.00	45.00
251-000.000-724.700	UNEMPLOYMENT INS. BENEFIT	3.00	3.00
251-000.000-782.700	ADMINISTRATION	1,000.00	1,000.00
251-000.000-801.700	CONTRACTUAL SERVICES	1,100.00	1,100.00
251-000.000-941.700	EQUIPMENT RENTAL	1,900.00	1,900.00
251-000.000-956.700	EXPENSES	350.00	350.00
251-000.000-977.700	CAPITAL ACQUISITIONS	82,000.00	115,000.00
Total Dept 000.000		87,564.00	120,564.00

TOTAL EXPENDITURES	87,564.00	120,564.00
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Fund 251 - INDUSTRIAL PARK FUND:

TOTAL REVENUES	2,500.00	72,500.00
TOTAL EXPENDITURES	87,564.00	120,564.00
NET OF REVENUES & EXPENDITURES	(85,064.00)	(48,064.00)
ANTICIPATED CARRYOVER	227,669.00	179,605.00

Fund 276 - HOUSING RESOURCE FUND

Revenues

Dept 000.000

276-000.000-634.400	GRANT	0.00	0.00
276-000.000-638.400	PROJECT INCOME	8,317.00	8,317.00
276-000.000-664.400	INTEREST INCOME	200.00	1,320.00
276-000.000-695.400	MISCELLANEOUS	500.00	500.00
Total Dept 000.000		9,017.00	10,137.00

TOTAL REVENUES

9,017.00 10,137.00

Expenditures

Dept 000.000

276-000.000-801.700	CONTRACTUAL SERVICES	0.00	0.00
276-000.000-956.700	EXPENSES	0.00	0.00
Total Dept 000.000		0.00	0.00

Dept 493.000 - MEDC

276-493.000-801.700	CONTRACTUAL SERVICES	0.00	0.00
276-493.000-850.700	GRANT EXPENDITURES	0.00	0.00
276-493.000-956.700	EXPENSES	0.00	0.00
Total Dept 493.000 - MEDC		0.00	0.00

TOTAL EXPENDITURES

0.00 0.00

Fund 276 - HOUSING RESOURCE FUND:

TOTAL REVENUES		9,017.00	10,137.00
TOTAL EXPENDITURES		0.00	0.00
NET OF REVENUES & EXPENDITURES		9,017.00	10,137.00
ANTICIPATED CARRY OVER		205,208.00	215,345.00

Fund 593 - SEWER COLLECTION

Revenues

Dept 000.000

593-000.000-625.400	BILLINGS	93,395.00	93,395.00
593-000.000-626.400	PENALTIES	400.00	400.00
593-000.000-648.401	SERVICE FEES	3,000.00	5,500.00
593-000.000-664.400	INTEREST INCOME	200.00	500.00
593-000.000-695.400	MISCELLANEOUS	0.00	0.00
Total Dept 000.000		96,995.00	99,795.00

TOTAL REVENUES		96,995.00	99,795.00
TOTAL EXPENDITURES		68,875.00	68,875.00
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Fund 593 - SEWER COLLECTION:			
TOTAL REVENUES		96,995.00	99,795.00
TOTAL EXPENDITURES		68,875.00	68,875.00
NET OF REVENUES & EXPENDITURES		28,120.00	30,920.00
ANTICIPATED CARRYOVER		83,835.00	114,755.00
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TOTAL REVENUES		257,880.00	187,708.59
Fund 661 - EQUIPMENT FUND			
Expenditures			
Dept 000.000			
661-000.000-703.700	SALARIES AND WAGES	14,000.00	14,000.00
661-000.000-710.700	OVERTIME	125.00	125.00
661-000.000-714.700	MANDATORY MEDICARE	205.00	205.00
661-000.000-715.700	SOCIAL SECURITY (EMPLOYER)	870.00	870.00
661-000.000-716.700	BC/BS HEALTH INSURANCE PREMIUM	2,080.00	2,080.00
661-000.000-718.700	MERS RETIREMENT (EMPLOYER)	60.00	60.00
661-000.000-720.700	WORKERS COMPENSATION PREMIUM	350.00	350.00
661-000.000-724.700	UNEMPLOYMENT INS. BENEFIT	5.00	5.00
661-000.000-782.700	ADMINISTRATION	12,000.00	12,000.00
661-000.000-801.700	CONTRACTUAL SERVICES	105.00	105.00
661-000.000-805.700	REPAIR/PARTS	28,250.00	28,250.00
661-000.000-806.700	REPAIR/PARTS POLICE	8,500.00	8,500.00
661-000.000-818.700	INS. PREMIUM - LIABILITY	22,500.00	22,500.00
661-000.000-856.700	FUEL	33,000.00	33,000.00
661-000.000-868.700	FLUIDS	705.00	705.00
661-000.000-956.700	EXPENSES	0.00	0.00
661-000.000-966.700	DEPRECIATION	37,022.00	37,022.00
661-000.000-966.701	DEP.EXP. PUBLIC SAFETY	5,080.00	5,080.00
661-000.000-968.000	DEPRECIATION EXPENSE	0.00	0.00
661-000.000-968.001	DEPRECIATION EXP PUBLIC SAFET	0.00	0.00
661-000.000-977.700	CAPITAL ACQUISITIONS	82,500.00	88,000.00
661-000.000-992.000	INTEREST EXPENSE	0.00	0.00
Total Dept 000.000		247,357.00	252,857.00
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TOTAL EXPENDITURES		247,357.00	252,857.00
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Fund 661 - EQUIPMENT FUND:			
TOTAL REVENUES		257,880.00	187,708.59



TOTAL EXPENDITURES	247,357.00	252,857.00
NET OF REVENUES & EXPENDITURES	10,523.00	(65,148.41)
ANTICIPATED CARRYOVER	525,647.00	460,498.59

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None**

**Absent – Frechette, Weiler**

**Motion carried**

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**MOTION BY BENNETT, SECOND BY JACKSON, TO APPROVE RESOLUTION 19-23.**

**RESOLUTION 19-23  
RESOLUTION AUTHORIZING ISSUANCE OF  
2019 REFUNDING BONDS  
(LIMITED TAX GENERAL OBLIGATION)**

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**CITY OF WEST BRANCH**  
County of Ogemaw, State of Michigan  
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Minutes of a regular meeting of the City Council of the City of West Branch, County of Ogemaw, State of Michigan, held on December 16, 2019, at 6:00 p.m., prevailing Eastern Time.

PRESENT: Members Mike Jackson, Cathy Zimmerman, Ellen Pugh, Chris Powley, Joanne Bennett

ABSENT: Members Dan Weiler, Paul Frechette

The following preamble and resolution were offered by Member Bennett and supported by Member Jackson:

WHEREAS, the City of West Branch, County of Ogemaw, State of Michigan (the “City”) has previously issued its Limited Tax General Obligation Bonds, dated July 29, 2009 in the original principal amount of \$975,000 (the “Prior Bonds”), which were issued to finance the cost of acquiring and constructing improvements to the water supply system of the City; and

WHEREAS, Act 34, Public Acts of Michigan, 2001, as amended (“Act 34”), authorizes the City to refund or advance refund all or any part of its outstanding securities; and

WHEREAS, the City has been advised that it may achieve interest costs savings through the refunding of all or a portion of the callable Prior Bonds; and

WHEREAS, the City desires to issue refunding bonds pursuant to Act 34 in the principal amount of Six Hundred Five Thousand Dollars (\$605,000) (the "Bonds") to refund all of the Prior Bonds to achieve interest cost savings for the benefit of the taxpayers and ratepayers of the City (the portion of the Prior Bonds to be refunded hereinafter referred to as the "Refunded Bonds"); and

WHEREAS, the City has received a proposal to purchase the Bonds from Mercantile Bank of Michigan (the "Purchaser") and the City desires to negotiate the sale of the Bonds to the Purchaser based on the proposal which is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Refunding Bonds; Bond Terms. Bonds of the City designated 2019 REFUNDING BONDS (LIMITED TAX GENERAL OBLIGATION) (the "Bonds") are authorized to be issued in the aggregate principal sum of Six Hundred Five Thousand Dollars (\$605,000) for the purpose of paying the costs of refunding the Refunded Bonds, including the costs incidental to the issuance, sale and delivery of the Bonds.

The Bond shall consist of a single non-convertible bond in fully-registered form, in the original denomination equal to the par amount thereof, payable as provided in Exhibit B attached hereto and made a part hereof. The Bonds will be dated as of the date of delivery, which is expected to be December 19, 2019, or such other date as determined by the Mayor or City Clerk/Treasurer (each, an "Authorized Officer"), be payable on June 1 in the years and in the annual amounts shown on Exhibit A. The Bond shall be subject to optional redemption prior to maturity as provided in Exhibit B. The Bonds shall bear interest at the rates shown on Exhibit A, payable semi-annually on June 1 and December 1, first payable on June 1, 2020.

Interest on the Bonds shall be paid by check drawn on the Transfer Agent mailed to the registered owner of the Bonds at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. Interest shall be payable to the registered owner of record as of the fifteenth day of the month prior to the payment date for each interest payment. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. The City Treasurer shall act as the Transfer Agent.

2. Execution of Bonds; Book-Entry-Only Form. The Bonds shall be signed by the manual or facsimile signatures of the Mayor and the City Clerk and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bonds. No Bond signed by facsimile signature shall be validated until authenticated by an authorized signatory of the Transfer Agent.

3. Transfer of Bonds. The Transfer Agent shall keep the books of registration for this issue on behalf of the City. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon

surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the City shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.

4. Limited Tax Pledge; Defeasance of Bonds. The City hereby pledges its limited tax full faith and credit for the prompt payment of the principal and interest on the Bonds. The City shall, each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance as a first budget obligation from its general funds available therefor, or, if necessary levy taxes upon all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year. The City Treasurer is authorized and directed to open a separate fund to be known as the 2019 REFUNDING BONDS (LIMITED TAX GENERAL OBLIGATION) DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bonds as they mature. Into said fund there shall be placed the accrued interest, if any, received at the time of delivery of the Bonds.

In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier mandatory redemption, the principal of and interest on the Bonds, shall be deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. Bond Proceeds. The proceeds of the Bonds shall be used to pay the outstanding principal amount of the Refunded Bonds on December 19, 2019 (the "Closing Date"). The City shall be responsible for the payment of the interest accrued on the Refunded Bonds to the Closing Date in the amount of \$1,482.25. The City will pay all costs of issuance associated with the issuance of Bonds from funds on hand.

6. Bond Form. The Bonds shall be in substantially the following form:

[THIS BOND HAS NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, OR THE MICHIGAN UNIFORM SECURITIES ACT, AS AMENDED, IN RELIANCE UPON EXEMPTIONS THEREUNDER. ANY RESALE OR OTHER TRANSFER OF THIS BOND MAY BE MADE ONLY UPON REGISTRATION UNDER SUCH ACTS OR IN AN EXEMPT TRANSACTION UNDER SUCH ACTS AND UPON COMPLIANCE WITH THE CONDITIONS SET FORTH HEREIN AND MAY BE OFFERED AND SOLD ONLY IF REGISTERED PURSUANT TO THE PROVISIONS OF THOSE ACTS OR IF AN EXEMPTION FROM REGISTRATION IS AVAILABLE.]

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF OGEMAW

**CITY OF WEST BRANCH**

2019 REFUNDING BOND  
(LIMITED TAX GENERAL OBLIGATION)

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>
2.30%	June 1, 2029	December 19, 2019

REGISTERED OWNER: Mercantile Bank of Michigan

PRINCIPAL AMOUNT: Six Hundred Five Thousand Dollars

The City of West Branch, County of Ogemaw, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on June 1, 2020 and semiannually thereafter. Principal of this bond is payable by the Treasurer of the City or such other paying agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the first (1st) day of the month preceding the interest payment date as shown on the registration books of the City kept by the Transfer Agent by check or draft mailed by the Transfer Agent to the registered owner of record at the registered address. For prompt payment of this bond, both principal and interest, the full faith, credit and resources of the City are hereby irrevocably pledged.

This bond is a single, fully-registered, non-convertible bond in the principal amount of \$605,000, issued pursuant to Act 34, Public Acts of Michigan, 2001, as amended, and a resolution duly adopted by the City Council of the City for the purpose refunding all of the City's outstanding Limited Tax General Obligation Bonds, Series 2019.

This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the City, and the City is required, if necessary, to levy ad valorem taxes on all taxable property in the City for the payment thereof, subject to applicable constitutional, statutory and charter tax rate limitations.

Principal installments of this Bond are subject to redemption prior to maturity as the City shall determine, on any date at par plus accrued interest to the date fixed for redemption.

This bond matures on June 1, 2029 as a term bond, subject to mandatory redemption, in part, by lot, on the redemption dates and in the principal amounts set forth below at a redemption price equal to the principal amount thereof, without premium, together with interest thereon to the redemption date as set forth in the following schedule:

Term Bond due June 1, 2029

<u>Redemption Dates</u>	<u>Principal Amount</u>
June 1, 2020	\$50,000
June 1, 2021	\$50,000
June 1, 2022	\$55,000
June 1, 2023	\$55,000
June 1, 2024	\$60,000
June 1, 2025	\$60,000
June 1, 2026	\$65,000
June 1, 2027	\$65,000
June 1, 2028	\$70,000
June 1, 2029 (maturity)	\$75,000

In case less than the full amount of this bond is called for redemption, the Transfer Agent, upon presentation of the bond called in part for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof.

This bond is transferable only upon the registration books of the City kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed.

It is hereby certified and recited that all acts, conditions and things required by law precedent to and in the issuance of this bond have been done, exist and have happened in regular and due time and form as required by law, and that the total indebtedness of the City, including this bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF the City, by its City Council, has caused this bond to be executed with the manual signatures of its Mayor and its City Clerk and its corporate seal or a facsimile thereof to be impressed hereon, all as of the Date of Original Issue.

CITY OF WEST BRANCH  
County of Ogemaw  
State of Michigan

By: \_\_\_\_\_  
Its: Mayor

(SEAL)

By: \_\_\_\_\_  
Its: City Clerk

7. Negotiated Sale. The City Council has considered the option of selling the Bonds through a competitive sale and a negotiated sale and, pursuant to the requirements of Act 34, determines that a negotiated sale of the Bonds will result in the most efficient and expeditious means of selling the Bonds and will result in the most advantageous interest rates and obtain the lowest issuance costs and interest costs for the City.

8. Adjustment of Bond Terms. Each Authorized Officer is hereby authorized to adjust the final bond details to the extent necessary or convenient to complete the transaction authorized in this Resolution, and in pursuance of the foregoing are each authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, including but not limited to, determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of series, and other matters, all subject to the parameters established in this Resolution, *provided* that the principal amount of Bonds issued shall not exceed the principal amount

authorized in this Resolution, the maximum interest rate on the Bonds shall not exceed 2.30% per annum, the purchase price shall not be less than 100% of the par amount of the Bonds, and the final maturity of the Bonds shall not be later than June 1, 2029.

9. Tax Covenant; Qualified Tax Exempt Obligations. The City shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended, (the “Code”) including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of Bond proceeds and moneys deemed to be Bond proceeds, and to prevent the Bonds from being or becoming “private activity bonds” as that term is used in Section 141 of the Code. The Bonds are hereby designated as “qualified tax exempt obligations” for purposes of deduction of interest expense by financial institutions pursuant to the Code.

10. Authorization of Other Actions. The Authorized Officers are each authorized and directed to file any necessary applications or requests for waivers with the Michigan Department of Treasury in order to effectuate the sale and delivery of the Bonds as contemplated by this Resolution, including an Application for State Treasurer’s Approval to Issue Long-Term Securities, in such form as shall be approved by an Authorized Officer and to pay any necessary fees in connection with any such applications or waivers and to take all other actions necessary or advisable, and make such other filings with the Michigan Department of Treasury or with other parties, to enable the issuance, sale and delivery of the Bonds as contemplated herein.

11. Bond Counsel. Miller, Canfield, Paddock and Stone, P.L.C. is hereby appointed to serve as bond counsel for the Bonds, notwithstanding the periodic representation in unrelated matters of parties or potential parties to the transaction contemplated by this resolution, including the Purchaser of the Bonds.

12. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

AYES: Members Mike Jackson, Cathy Zimmerman, Ellen Pugh, Chris Powley, Joanne Bennett

NAYS: Members None

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RESOLUTION DECLARED ADOPTED.

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John Dantzer, City Clerk/Treasurer

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of West Branch, County of Ogemaw, State of Michigan, at a regular meeting held on December 16, 2019, and that said meeting was conducted and public notice of

said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

\_\_\_\_\_  
John Dantzer, City Clerk/Treasurer

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None**

**Absent – Frechette, Weiler**

**Motion carried**

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**MOTION BY ZIMMERMAN, SECOND BY PAULEY, TO APPROVE RESOLUTION 20-01.**

**RESOLUTION #20-01**

**WHEREAS, the West Branch City Charter requires that the Council adopt a resolution stating the time and place of its regular meetings, and**

**WHEREAS, it is recommended that this be done on an annual basis,**

**NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council will hold its regular meetings in the Council Chamber of City Hall, 121 N. Fourth St. unless there is a motion to change the meeting location due to special circumstances, and**

**FURTHER BE IT RESOLVED, that the first meeting of 2020 will be held at 7:00 p.m. as required by the City Charter and all other regular Council meetings of 2020 will begin at 6:00 p.m. unless there is a motion to change the meeting time due to special circumstances, and**

**FURTHER BE IT RESOLVED, that the West Branch City Council shall meet on the 1st and 3rd Monday of each month unless there is a motion to change the meeting date due to special circumstances.**

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None**

**Absent – Frechette, Weiler**

**Motion carried**

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**MOTION BY JACKSON, SECOND BY BENNETT, TO APPROVE THE MDOT PERFORMANCE RESOLUTION NAMING MANAGER FRANK GOODROE, CLERK/TREASURER JOHN DANTZER, DEPUTY CLERK/TREASURER MICHELLE FRECHETTE, AND DEPUTY CLERK AMANDA STANG AS AUTHORIZED TO APPLY FOR NECESSARY PERMIT WORK IN THE MDOT ROAD RIGHT OF WAY.**

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None**

**Absent – Frechette, Weiler**

**Motion carried**



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**MOTION BY BENNETT, SECOND BY PUGH, TO APPROVE RESOLUTION 19-24.**

**RESOLUTION #19-24**

WHEREAS, City staff compares the year to date actual with the budgeted amount of all revenue and expenditures monthly; and

WHEREAS, during the review it was determined that the expenditures in Fund 101, General Fund will exceed its budget, and

WHEREAS, the expenditures in Fund 101, general fund legal assistance were understated due to a new attorney services contract being approved after the approval of the budget, and

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

GL NUMBER	DESCRIPTION	CURRENT BUDGET	AMENDED BUDGET
Fund 101 -			
EXPENDITURES			
	Dept 266.000 – LEGAL ASSISTANCE	10,000	16,000
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	ANTICIPATED CARRYOVER	1,018,406.00	1,012,406.00

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None**

**Absent – Frechette, Weiler**

**Motion carried**

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**MOTION BY BENNETT, SECOND BY PUGH, TO EXCUSE MAYOR FRECHETTE AND MEMBER WEILER FROM THE MEETING.**

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None**

**Absent – Frechette, Weiler**

**Motion carried**

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**MOTION BY PUGH, SECOND BY PAULEY, TO APPROVE THE MINUTES AND SUMMARY OF MINUTES FROM THE MEETING HELD DECEMBER 2, 2019.**

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None                                      Absent – Frechette, Weiler                                      Motion carried**

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**MOTION BY ZIMMERMAN, SECOND BY BENNETT, TO RECEIVE AND FILE THE TREASURER’S REPORT AND INVESTMENT SUMMARY; THE MINUTES FROM THE BOARD OR REVIEW MEETING HELD DECEMBER 9, 2019; AND THE NOVEMBER POLICE REPORT.**

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None                                      Absent – Frechette, Weiler                                      Motion carried**

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A Charter Cable line up was shared.

A City of Lights flyer was shared.

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**MOTION BY PUGH, SECOND BY BENNETT, TO APPROVE THE APPOINTMENT OF ANTHONY BAIR TO THE DDA BOARD.**

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None                                      Absent – Frechette, Weiler                                      Motion carried**

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**MOTION BY BENNETT, SECOND BY PUGH, TO APPROVE THE REAPPOINTMENTS OF MARK DANTZER, HEATHER NEUHAUS, AND CHARLIE ELLIOTT TO THE IDC BOARD.**

**Yes — Bennett, Jackson, Powley, Pugh, Zimmerman**

**No – None                                      Absent – Frechette, Weiler                                      Motion carried**

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Mayor Pro Tem Jackson noted all of the changes that took place during the 2019 calendar year and thanked everyone for their durability and adaptability.

Member Bennett noted she is looking forward to the new year, noted the Chamber Connection was fabulous and well attended, noted she would like to move the Council Open House back to the last meeting of the year, and noted how grand the Christmas parade was and commended Chief Walters for his work on the parade.

Member Pugh noted there were still some openings for anyone who wished to volunteer for the bell ringing for the Salvation Army.

Member Zimmerman noted what a great year it was and how enjoyable it has been on Council and commended and thanked Manager Goodroe for his work.

Manager Goodroe gave a Manager's update which included the announcement that Michelle Frechette has been promoted to executive assistant among her other duties and Amanda Stang has been hired full time for the office position and that she will also be getting certified as a Deputy Clerk, noted that a proposal for new computers will be coming to Council for review at their next meeting, noted he will be working on a part time Community and Economic Development Coordinator position, noted the employee appreciation and recognition dinner went well, noted how great the Christmas parade was and how well it was attended, and commented on the Santa Train event and how well the Gathering Place worked for the event. In addition, Manager Goodroe commented on how busy the community is and his amazement at the amount of local activity going on.

DPW Superintendent Killackey noted the lights at the top of the City Christmas tree were done and thanked Dalton Worthy for the donation of his time and equipment and his work on the tree.

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Mayor Pro Tem Jackson adjourned the meeting at 6:43 pm.

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Mike Jackson, Mayor Pro Tem

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John Dantzer, Clerk