

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY FEBRUARY 6, 2017.

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

Present: Mayor Denise Lawrence and Council Members Joanne Bennett, Jim Hasty, Dave Lucas, Tim Schaiberger, Rusty Showalter, and Dan Weiler.

Absent: None

Other officers present: City Manager Heather Grace, Treasurer/Clerk John Dantzer, Police Chief Ken Walters, City Attorney Gabriel Dantzer, and County Commissioner Bruce Reetz.

All stood for the Pledge of Allegiance.

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As an addition to the agenda Bruce Reetz updated Council on the recent County meetings which included the approval to have a special election in August for a millage increase for the 4-H program, an update on the Community Corrections Program, and the recent EMS happenings.

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As another addition to the agenda, Manager Grace noted that she recently attended a joint DDA meeting with West Branch Township and Ogemaw Township and they had discussion of creating a joint Recreation Committee that would allow them to plan for future recreation upgrades without duplicating services and would help with future grants.

Member Schaiberger noted his concern that there may be some hard feelings which could create difficulties in working together due to other issues between the City and Townships.

Member Hasty wanted to make sure the future recreation plans had stuff for adults and seniors and that the sole focus was not on children.

It was the consensus of Council to have Manager Grace continue with the joint Recreation Committee program

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As another addition to the agenda, Manager Grace noted that the City attorney had prepared a legal opinion on a City matter.

**MOTION BY LAWRENCE, SECOND BY LUCAS, TO GO INTO CLOSED SESSION PURSUANT TO PUBLIC ACT 267 OF 1976, SECTION 15.268 (H)**

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

**MOTION BY LAWRENCE, SCHAIBERGER TO RETURN TO OPEN SESSION PURSUANT TO PUBLIC ACT 267 OF 1976, SECTION 15.268 (H).**

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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**MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO AUTHORIZE THE CITY ATTORNEY, IN THE EVENT THAT SHE IS CONTACTED BY ATTORNIIES FOR WEST BRANCH TOWNSIHP OR EDWARDS TOWNSHIP, TO ENTER INTO NEGOTIATIONS TO ~~POSSIBLY~~ POSSIBLY AVOID ~~ANTICIATED~~ ANTICIPATED LITIGATION.**

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Cynthia Scott of Stephenson and Company presented the 2016 audit.

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Council went over bids for the replacement of the furnaces at City Hall.

**MOTION BY LAWRENCE, SECOND BY BENNETT, TO AWARD THE BID TO NORTHERN REFRIGERATION IN THE AMOOUNT OF ~~\$5,369.00~~ \$8,369.00**

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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City Attorney Dantzer updated council on negotiations she has had on the sale of the vacant lot in the industrial park. She noted that the purchaser had agreed to pay the fair market value that was established by the assessor along with the purchaser paying the cost of the transfer. She did note that she still needed to discuss the purchaser being responsible for any future utility costs that may arise. She further noted that his request was to make two payments instead of one.

**MOTION BY WEILER, SECOND BY SCHAIBERGER, TO ALLOW THE CITY ATTORNEY TO FINALIZE THE AGREEMENT TO SELL THE VACANT LAND FOR THE FAIR MARKET VALUE WITH THE PURCHASER PAYING ALL COSTS OF THE TRANSFER CONTINGENT UPON AN ACCEPTABLE FUTURE UTILITY COST AGREEMENT AND TO ALLOW THE PURCHASER TO PAY IN TWO SEPARATE PAYMENTS.**

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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**MOTION BY SHOWALTER, SECOND BY LUCAS, TO PAY THE BILLS IN THE AMOUNT OF \$58,251.09.**

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Manager Grace submitted names of various people to be reappointed to the various City boards.

Mayor Lawrence noted they should only be reappointed if they were an active participant in the board so they were not reappointing people who were not showing up. It was noted that all of the current people up for reappointment were active participants.

Member Showalter asked if they had any other people interested before they reappoint them and it was noted that there were not any additional people interested.

**MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO REAPPOINT AUTUMN HUNTER AND SANDY RABIDUE TO THE DDA WITH A TERM TO EXPIRE JAN, 1, 2019; REAPPOINT DALE PETERS TO THE BOARD OF REVIEW WITH A TERM TO EXPIRE DECEMBER 31, 2019; AND REAPPOINT ANTHONY WIRTH AND THOM JONES TO THE ZONING BOARD OF APPEALS WITH A TERM TO EXPIRE AUGUST 15, 2019.**

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Manager Grace submitted documentation of wayfinding signs for the riverwalk that would be paid for by a grant that was obtained.

**MOTION BY WEILER, SECOND BY SHOWALTER, TO APPROVE THE WAYFINDING SIGNS AS SUBMITTED.**

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Manager Grace submitted documentation for the closing of the Patronicity Grant.

**MOTION BY SHOWALTER, SECOND BY LUCAS, TO APPROVE THE GRANT AND ENTER INTO A FORMAL AGREEMENT WITH EDC AND AUTHORIZE MANAGER GRACE TO SIGN ANY PAPERWORK REQUIRED.**

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Manager Grace submitted information of the MME Fellowship program which would place an intern at the City who has been studying City Management at college level at a cost to the City of \$6.000.

**MOTION BY LUCAS, SECOND BY SCHAIBERGER, TO HAVE MANAGER GRACE LOOK FURTHER INTO THE MME FELLOWSHIP PROGRAM FOR THE NEXT FISCAL YEAR.**

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Council discussed the 3 minutes time limit being extended to groups and not just individuals.

Member Showalter noted his concern that he believes that Council works for the people so they should have their right to speak but does agree there needs to be some limits.

Member Bennett noted her concern that 3 minutes may not be enough and that maybe they could allow those that are on the agenda to speak longer than those that are speaking in public comment.

Mayor Lawrence noted her concern that groups have one spokesman for an issue that they may be bringing to Council.

Eric Young noted to Council that the County does differentiate time limits based on if you are on the agenda or are speaking during public comment and in his opinion anyone on the agenda should be given longer than 3 minutes.

Mayor Lawrence noted she would agree that those on the agenda should be given their time.

Manager Grace noted that leaving an open ended time limit could possibly cause issues in the future.

**MOTION BY BENNETT, SECOND BY SCHAIBERGER, TO ALLOW UP TO 10 MINUTES ON AGENDA ITEMS AND 3 MINUTES ON PUBLIC COMMMENT ITEMS.**

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – Hasty**

**Absent –None**

**Motion carried**

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**MOTION BY LAWRENCE, SECOND BY SCHAIBERGER, TO ADOPT THE FOLLOWING PROCLAMATION.**

**PROCLAMATION 17-2**

WHEREAS, underage drinking is a problem that affects our community, our health, and our future. It exacts a terrible toll on individuals and families, and places a costly tax burden on the community at large for law enforcement, medical services, and other social services involved in the prevention and treatment of underage drinking, and

WHEREAS, underage drinking has severe consequences, many of which parents and caregivers may not be fully aware. Consequences of underage drinking may include injury or death from accidents; unintended, unwanted, and unprotected sexual activity; academic problems; and drug use; and

WHEREAS, parents and caregivers have a significant influence on young people's decisions about alcohol consumption, especially when they create supportive and nurturing alcohol-free environments; and

WHEREAS, youth who start drinking before the age of **15** are five times more likely to develop alcohol dependence or abuse later in life than those who begin drinking at or after age 21; and

WHEREAS, alcohol use by young people is dangerous, not only because of the risks associated with acute impairment, but also because of the grave threat to their long-term development and well-being; and

WHEREAS, parents, educators, and community leaders who work with our young people every day are our best advocates for responsible decision-making; and

**WHEREAS**, one-hundred percent of any alcohol consumed by a minor came from an adult. At one time, an adult over the age of 21 was in control of the alcohol and a minor gained access to it, and

**WHEREAS**, it is illegal for adults to knowingly allow their child's friends to drink alcohol in their home, even with the permission of the friends' parents, and adults have the authority and should have the responsibility to take steps to reduce the likelihood that their homes will become venues for underage drinking, and

**NOW, THEREFORE BE RESOLVED**, we the City of West Branch of the county of Ogemaw, a Community Committed to UNDERAGE DRINKING PREVENTION, do hereby proclaim that April 2017 is Social Host Responsibility Month. We also call upon all parents, citizens, homeowners and property

owners to host gatherings responsibly and take measures to eliminate access of alcohol to persons under the age of 21.

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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**MOTION BY SCHAIBERGER, SECOND BY WEILER, TO APPROVE THE MINUTES AND SUMMARY OF THE REGULAR MEETING HELD JANUARY 16, 2017.**

**Yes – Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent – None**

**Motion carried**

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**MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO RECEIVE AND FILE THE JANUARY POLICE REPORT, TREASURERS REPORT, AND INVESTMENT REPORT, AS WELL AS THE MINUTES FROM THE WWTPA MEETING HELD NOV. 18, 2016 AND THE AIRPORT BOARD MEETING HELD DEC. 21, 2016.**

**Yes — Bennett, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Manager Grace shared the results of the Farmers Market Survey. Member Showalter thanked Manager Grace for putting out the survey even though it was already voted upon and that it would remain on South Third St. It was further noted that in order to move the location in the future Council must have at least five votes to bring it back to the table.

Manager Grace shared correspondence from Charter Cable noting a price increase.

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Chief Walters gave a report on the waiving/voiding of tickets process. Chief Walters also noted that all of his grants are now complete including the car, radios, and bullet resistant vests and that we are just waiting for all of the reimbursement checks. He noted the grants totaled about \$53,000.

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Manager Grace went over blight issues throughout the City.

Manager Grace gave updates from the MME Winter Institute which included possible changes coming to DDA and TIFFS.

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Mayor Lawrence noted that she has been at the Fabulous Fridays meetings and nothing has been planned as of yet. She also noted that Council should look at having a Flag Day ceremony.

There was also discussion on the lack of plans for the Fourth of July fireworks.

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Alli Reminder spoke to Council on her concern for Fabulous Fridays and that it is an important part of the summer for downtown businesses and residents.

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Mayor Lawrence adjourned the meeting at 8:15 pm.

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Denise Lawrence, Mayor

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John Dantzer, Clerk