

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, TUESDAY JANUARY 16, 2017.

Mayor Denise Lawrence called the meeting to order at 6:02 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, and County Commissioner Bruce Reetz.

All stood for the Pledge of Allegiance.

Clerk/Treasurer Dantzer noted that as an addition to the agenda there were several people that needed to be appointed to serve on various City Boards.

MOTION BY WEILER, SECOND BY SCHAIBERGER, TO APPOINT KENNETH KISH TO THE BOARD OF REVIEW FOR A 3 YEAR TERM TO EXPIRE 12/31/19; TO APPOINT LISA SAURER TO THE PLANNING COMMISSION FOR A 3 YEAR TERM TO EXPIRE 12/31/19; TO APPOINT DORA ZAPCZYNSKI TO THE DDA FOR A 3 YEAR TERM TO EXPIRE 1/1/20; TO APPOINT JAYSON STROEBEL TO THE PLANNING COMMISSION FOR A 3 YEAR TERM TO EXPIRE 1/1/20; TO APPOINT LISA SAURER TO THE RECREATION BOARD FOR A 5 YEAR TERM TO EXPIRE 2/2/21; TO APPOINT MICHAEL GODFREY TO THE RECREATION BOARD FOR A 5 YEAR TERM TO EXPIRE 2/2/21; TO ACCEPT WITH REGRET THE RESIGNATION OF RUTH A FERGUSON FROM THE RECREATION BOARD; TO ACCEPT WITH REGRET THE RESIGNATION OF DENISE LAWRENCE FROM THE 911 BOARD AND APPOINT KEN WALTERS TO THE 911 BOARD, AND TO APPOINT HEATHER GRACE AND KEN WALTERS TO THE 911 STEERING BOARD.

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

No – None

Absent –None

Motion carried

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Heather Neuhaus of the Chamber of Commerce presented a Chamber update that included presenting a 2017 calendar of events, reminding everyone of the Family Fun Day at Irons Park on March 21, inviting everyone to attend the Business after Hours at St. Vincent Depaul, and asking for approval of a Shivering Shamrock Run, Walk, and Obstacle Challenge to be held March 18, 2017 in the City.

Member Showalter asked Chief Walters if he had any concerns with the route and Chief Walters noted that he did not.

Manager Grace noted that the 3-minute time limit had expired and that Council would have to approve her to speak longer.

MOTION BY SCHAIBERGER, SECOND BY SHOWALTER, TO ALLOW ADDITIONAL TIME TO HEATHER NEUHAUS FOR THE CHAMBER UPDATE.

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

No – None

Absent –None

Motion carried

MOTION BY SCHAIBERGER, SECOND BY BENNETT, TO APPROVE THE PLAN AS SUBMITTED FOR THE SHIVERING SHAMROCK RUN, WALK, AND OBSTACLE CHALLENGE TO BE HELD MARCH 18, 2017

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

No – None

Absent –None

Motion carried

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Kenneth Neubecker on behalf of the Downtown Merchants presented a plan for a memorial garden/park on a parcel of land behind the West Branch Creative Arts that would honor deceased members of the community recognizing their service to the City.

Mayor Lawrence asked questions on who would take care of it. Mr. Neubecker noted that they would have to come up with a committee to work on the final plans and were currently just looking to get approval of the concept before they move forward.

Member Schaiberger asked questions on the area because it was a snow storage area. Manager Grace noted that she did reach out to Mr. David Evergreen who noted that he thought the plants he recommended would hold up.

Member Bennett noted her concern that the area could require lots of cleanup due to the plowing and piling up of snow once it melts.

MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO APPROVE THE DOWNTOWN MERCHANTS TO GO AHEAD WITH PLANS TO CONSTRUCT A MEMORIAL GARDEN/PARK BEHIND

THE WEST BRANCH CREATIVE ARTS AND TO HAVE THEM PRESENT A FINAL PLAN TO COUNCIL BEFORE IT IS CONSTRUCTED.

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

No – None

Absent –None

Motion carried

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Denis Stephens, on behalf of Edwards Township, was present to speak to Council on concerns over the former Senior Center and asked for 15 minutes to speak.

MOTION BY LUAS, SECOND BY SHOWALTER, TO ALLOW 15 MINUTES TO DENIS STEPHENS.

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

No – Lawrence

Absent –None

Motion carried

Mr. Stephens noted that the purpose of him addressing Council was to bring to their attention concerns that the issue between the Township and the City in dealing with the Senior Center being closed before it was allowed was not being handled in a timely manner. He strongly noted that they are feeling ignored and that if they do not hear something then they are going to take action.

City Attorney Gabriel Dantzer addressed Council on this matter and noted that the City has been working diligently on this matter and does not wish to pursue litigation and is interested in settling the issue. She noted that there has been some turnover and uncertainty in the Township on their position in regards to the issue. She further noted that they have not provided the City with adequate information or documentation to support their position or on the amount owed. She further noted that it appears that the contract provided was never signed by any Edwards Township official and that based on information provided by a former Township member, it was never signed and therefore the City may not be liable to the Township in any amount. She further noted that some Edwards Township officials have criticized the City publicly when in fact all indications seem to support the position that Edwards Township has not presented adequate information to address the matter. She further noted that the City has discussed the possible offer of looking into building a new Senior Center that could possibly be funded by grants with the City to provide matching funds and would not cost the Township any additional money. She further noted that some Township officials have repeatedly and publicly mischaracterized City Manager Grace's comments regarding this issue. She further noted that this proposal emphasizes the time and thought that the City has put in the issue as well as the good faith to come to a suitable resolution to all.

Manager Grace also noted that there have been repeated mischaracterizations of her comments relating to this issue.

Mayor Lawrence asked if there has ever been anything presented from the Township regarding the amount that they are claiming is owed. Attorney Dantzer noted that Edwards Township has not nor have they ever presented a copy of a signed contract between the City and Edwards Township.

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MOTION BY SHOWALTER, SECOND BY LUCAS, TO PAY THE BILLS IN THE AMOUNT OF \$56,195.20.

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

No – None

Absent –None

Motion carried

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Manager Grace submitted results from a survey that was sent out to the Farmers Market vendors about possibly moving the location of the Farmers Market.

Joe Clark spoke on behalf of the Downtown Merchants and noted their preference for leaving it at its current location due to the fact that it brings business downtown. He further noted that he has talked to the vendors and they like the current location as well.

It was noted that the concern was raised from people who have trouble making a left hand turn onto Houghton Ave without the use of the light.

Dora Zapczynski noted her opinion that N. Second St. would be a good location for the market.

Jerry Leazenby offered his opinion that he believes it would be best to leave it at its current location.

Bruce Reetz spoke on the issue

A.J. Wirth spoke on the issue.

Heather Neuhaus spoke on her opinion that she would like to see it kept in its current location.

Member Bennett noted that they could possibly extend the survey to residents of the City and not just the Farmers Market vendors.

Member Lucas noted that he had talked with the vendors and they were agreeable to moving if it stayed in town.

MOTION BY WEILER, SECOND BY HASTY, TO HOLD THE FARMERS MARKET AT ITS CURRENT LOCATION ON SOUTH THIRD ST.

Yes – Hasty, Lawrence, Showalter, Weiler

No – Bennett, Lucas, Schaiberger

Absent –None

Motion carried

Member Showalter urged the City to still reach out to City residents about the issue.

It was the consensus of Council to have City Administration develop a survey to try to determine how City residents felt about possibly moving the market, and whether its current location caused any hardships as far as impeding traffic or reaching the Post Office.

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Manager Grace submitted an indemnification contract submitted by Richard Bachelder who is the property owner on N. Fifth St. where the City stores snow.

MOTION BY SHOWALTER, SECOND BY LUCAS, TO APPROVE THE INDEMNIFICATION CONTRACT, AS AMENDED, FOR THE PROPERTY OWNED BY RICHARD BACHELDER ON NORTH FIFTH ST AND AUTHORIZE MANAGER GRACE TO SIGN ON THE CITY’S BEHALF.

Yes – Bennet, Hasty, Lawrence, Lucas, Schaiberger, Showalter, Weiler

No – None

Absent –None

Motion carried

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MOTION BY SCHAIBERGER, SECOND BY SHOWALTER, TO ADOPT THE FOLLOWING RESOLUTION.

Resolution # 17-03

Whereas, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, “the responsibility for street improvements, maintenance, and traffic operations work, and the development , construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for all shall represent the municipality in transactions with the State Transportation Department pursuant to this act.”

Now, therefore, be it resolved the this Honorable Body designate Heather Grace as the single Street Administrator for the City of West Branch in all transactions with the State Transportation Department as provided in Section 13 of the Act.

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

No – None

Absent –None

Motion carried

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MOTION BY SCHAIBERGER, SECOND BY BENNETT, TO APPROVE THE MINUTES AND SUMMARY WITH CORRECTIONS OF THE REGULAR MEETING HELD JANUARY 3, 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 MINUTES FROM THE JANUARY POLICE REPORT.

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

No – None

Absent –None

Motion carried

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A communication was shared from the Michigan Public Service Commission.

A communication was shared from Mike Bowers of the Ogemaw County EMS offering CPR and AED training.

Manager Grace noted that the City employees have already been through the training program and wanted to give Council the chance to receive the training and possibly offer it to Board Members and City residents.

MOTION BY LAWRENCE, SECOND BY LUCAS, TO APPROVE THE CPR AND AED TRAINING FOR CITY COUNCIL, BOARD MEMBERS, AND RESIDENTS AND ALLOW DONATIONS TO BE COLLECTED TO HELP COVER THE COST OF THE TRAINING.

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

No – None

Absent –None

Motion carried

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Member Showalter addressed that in his opinion City Council has always tried to work with the neighboring communities and is disheartened how the Senior Center came down and sees it as a setback for future projects. He further hoped that the line of negotiation remains open.

Member Weiler addressed the issue of the strip of ice and snow on the curb downtown and that it is the responsibility of the property owners to keep the sidewalks clean and something needs to be done to keep downtown safe.

Member Hasty addressed the building on 209 W. Houghton Ave. and that part of the roof is collapsed and questioned the safety of the building.

Member Bennett addressed the Patronicity Grant and thanked everyone who donated and was proud that the community was able to reach the goal to get the matching funds.

Mayor Lawrence noted the next EMS meetings was Thursday at 4:30 and is open to the public.

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County Commissioner Reetz updated Council on County happenings which included the appointment of Pete Hennard as the new Chairman, the appointing of new Committee Members, talked about the EMS meeting, noted that the MSU extension is considering a special election, and noted that they do have one new board member. He further welcomed the new City Council Members.

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Manager Grace recognized and thanked the community for their generosity in donating to the Patronicity Grant. She noted that any money raised over the \$15,000 matching amount would be used for further improvement to Irons Park. She further noted that the Recreation Board will be meeting to decide if they want to apply for another round of grants.

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Jerry Leazenby welcomed the new Council members and thanked all of the Members for their work they do for the City.

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Mayor Lawrence adjourned the meeting at 7:40 pm

Denise Lawrence, Mayor

John Dantzer, Clerk