

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBER OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY, JANUARY 4, 2016.

Mayor William Ehinger called the meeting to order at 7:00 p.m.

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

Absent: Council Member Dave Lucas.

Other officers present: City Manager Heather Grace, Treasurer/Clerk John Dantzer, Deputy Clerk/Treasurer Michelle Frechette, Police Chief Ken Walters, and Department of Public Works Superintendent Dennis Jameson.

All stood for the Pledge of Allegiance.

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Manager Grace noted that there was an addition to the agenda added and that there was a request to use the covered bridge on January 11 for a wedding. It was the consensus of Council to allow the wedding as long as there is a hold harmless agreement signed before the ceremony releasing the City from any liability issues due to potentially slippery issues because of the weather at this time of the year.

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MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO APPROVE THE MINUTES AND SUMMARY OF THE MEETING HELD DECEMBER 21, 2015.

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

No – None

Absent – Lucas

Motion carried

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Communications were shared from Charter Cable.

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A request from Darlene Jones was read asking to consider putting signs up noting no parking on the corners of the downtown area. It was the consensus of Council not to take any action at this time but to continue to monitor the situation.

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Mayor Ehinger commended the DPW staff for the snow removal while being shorthanded.

Member Hasty commended the entire staff of the City for their hard work and dedication for the past year.

Member Lawrence noted that this year's New Year ball drop was better attended than the previous years.

Member Schaiberger asked about the formation of a charter change committee and noted that he would like to be considered for the committee. He further noted that he has had some citizens talk to him about their interest of being on the committee. Manager Grace noted that she would recommend that the committee consist of three Council members as well as some members from the community. Member Showalter and Mayor Ehinger also expressed their interest in being on the board. It was the consensus of the board to have Mayor Ehinger, Member Schaiberger, and Member Showalter on the committee.

Member Schaiberger also noted that this was his first time at the New Year's ball drop and that they did a great job with it.

Manager Grace shared information on locations that will accept CRT's at no cost to recycle. She further noted that the list will be available at the recycling center. Manager Grace further shared the letters that were written on the Council's request to State Representative Rendon and State Senator Booher asking them to support any legislature that would help lower this cost. She further noted that they are looking into applying for a grant to install cameras in the recycling area.

Manager Grace shared the completed Capital Improvement Plan for water which is a report required by the State for water infrastructure only. She further noted that it will be formally reviewed by Council and the Planning Commission at their next joint meeting.

Manager Grace noted that a new intern will be starting on Tuesday, January 4, she is currently conducting interviews for the opening at the DPW, and that the position at the Waste Water Treatment Plant has been filled.

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MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO PAY THE BILLS IN THE AMOUNT OF \$50,572.14.

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

No – None

Absent – Lucas

Motion carried

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MOTION BY HASTY, SECOND BY ERVANS, TO APPROVE THE FOLLOWING RESOLUTION

RESOLUTION #16-01

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 all regular Council meetings will begin at 6:00 p.m. unless the Charter dictates otherwise or 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 – Ehinger, Ervans, Hasty, Lawrence, Schaiberger, Showalter

No – None

Absent – Lucas

Motion carried

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MOTION BY SHOWALTER, SECOND BY EHINGER, TO ALLOW STAFF TO BANK AT PNC BANK, CHEMICAL BANK, MERCANTILE BANK, AND NORTHLAND FEDERAL CREDIT UNION

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

No – None

Absent – Lucas

Motion carried

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MOTION BY ERVANS, SECOND BY SCHAIBERGER TO APPROVE THE FOLLOWING RESOLUTION.

Michigan Department
Of Transportation
2207B (10/14)

**PERFORMANCE RESOLUTION FOR
GOVERNMENTAL AGENCIES**

Page 1 of 2

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipality an "Individual Permit for Use of State Highway Right of Way" or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".

RESOLVED WHEREAS, the City of West Branch

(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

NAME AND/OR TITLE

Heather Grace, City Manager

John Dantzer, Clerk/Treasurer

Michelle Frechette, Deputy Clerk/Treasurer

Kelli Collins, Executive Assistant

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the City Council

(Name of Board, etc)

of the City of West Branch

(Name of GOVERNMENTAL AGENCY)

of Ogemaw

(County)

at a Regular meeting held on the Fourth day

of January A.D. 2016.

SIGNATURE	TITLE Clerk/Treasurer	PRINT NAME
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Manager Grace read a letter from Amy Merrick requesting a sidewalk extension in front of her house. It was discussed that the homeowner would be responsible for some of the cost if it is a request from the homeowner. Member Showalter noted that there may be grant monies available from the walkable Cities programs. It was the consensus of Council not to make any decisions at this time and to look at it further when this year's sidewalk projects are planned and if grant money is available.

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MOTION BY EHINGER, SECOND BY SCHAIBERGER, TO APPOINT DENISE LAWRENCE AS MAYOR PRO TEM.

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

No – None

Absent – Lucas

Motion carried

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MOTION BY EHINGER, SECOND BY SCHAIBERGER, TO ALLOW THE CITY MANAGER TO ADMINISTRATIVELY HANDLE WATER BILL FORGIVENESS REQUESTS AND TO ALLOW AN APPEAL PROCESS TO COUNCIL IF THE REQUESTOR IS UNHAPPY WITH THE MANAGER'S DECISION.

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

No – None

Absent – Lucas

Motion carried

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Member Lawrence noted that she has received word from Shirley Coln that she was unhappy with the decision of Council not to grant her water forgiveness and asked if Manager Grace could look further into the issue.

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MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO POSTPONE A DECISION ON A WATER FORGIVENESS REQUEST FROM NICHOLAS JACKSON UNTIL WORD IS RECEIVED ON HOW MANY PEOPLE ARE LIVING IN THE HOME.

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

No – None

Absent – Lucas

Motion carried

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It was the consensus of Council to set a limit of \$700 on water bill forgiveness issues for the City Manager to administratively handle.

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A representative from Choice Home Improvements presented Council with a copy of his company's warranty for work done on City properties

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Mayor Ehinger adjourned the meeting at 7:50 pm

William Ehinger, Mayor

John Dantzer, Clerk