

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY, JANUARY 22, 2018.

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

Present: Mayor Denise Lawrence and Council Members Joanne Bennett, Tim Schaiberger, and Aaron Tuttle.

Absent: Council Members Rusty Showalter and Dan Weiler

Other officers present: City Manager Heather Grace, Treasurer/Clerk John Dantzer, Police Chief Ken Walters, County Commissioner Bruce Reetz, and Planning Commission Chairman Mike Jackson.

All stood for the Pledge of Allegiance.

\* \* \* \* \*

**MOTION BY LAWRENCE, SECOND BY SCHAIBERGER, TO EXCUSE COUNCIL MEMBERS RUSTY SHOWALTER AND DAN WEILER FROM THE MEETING.**

**Yes — Bennett, Lawrence, Schaiberger, Tuttle**

**No – None**

**Absent –Showalter, Weiler**

**Motion carried**

\* \* \* \* \*

County Commissioner Reetz gave a County update and noted that he attended the EMS award night and reminded everyone of the upcoming County meeting that will deal with the issue of 911 becoming their own authority.

\* \* \* \* \*

Gary Hicks of Republic Services was on hand to address concerns that the level of service being provided by his company was not up to City standards. He noted that most of the issues had to deal with large items pickups and it was due to the amount of time needed to clean up other areas during last summer’s flood in Mid-Michigan.

Manager Grace discussed several issues that the City was having with the service being provided with the garbage as well as the recycling center. She further noted that she believed a credit in some amount should be issued to reimburse the City for the lack of service during that time.

Bob David asked about the possibility of having smaller trucks that wouldn’t damage City streets as much. Mr. Hicks noted that the bigger trucks are required in Michigan.

Mayor Lawrence noted an issue she had with the service provided last summer. She also recommended better communication was needed between the company and City officials when there are interruptions in regular service. In addition, she noted that she would like to see Mr. Hicks and Manager Grace work

together to come up with an amount of reimbursement and have it available for presentation at their February 19<sup>th</sup> Council meeting.

Member Bennett noted the importance of the large item pickup because it affects the appearance of the entire City. She also stressed the importance of customer service and communication from Republic.

\* \* \* \* \*

Manager Grace gave an update on the banner policy and noted she did receive a response from Consumers Energy that they would not be interested in hanging the banners over Houghton Ave. due to the fact of liability concerns. Manager Grace also noted that since the risk factor has been discussed several times in meetings and due to new information she received in discussion with the DPW that it is even more risky than initially thought, that she would be administratively discontinuing the program effective immediately.

Marcia Young submitted plans done by Ken Neubecker for a pulley system that they could use to stretch the banners across the street without having to put workers in the middle of the street. It was also noted the Mr. Neubecker would be available to meet with anyone on the discussion of pulley system. She further noted that she understood the dangers involved with hanging the signs but felt very strongly that the banners do help organizations and that they should exhaust every idea before it is officially discontinued.

Manager Grace noted she would reach out to Consumers Energy and look into the possibility of putting the pulley system onto Consumers poles or into the possibility of putting City owned poles in that location. Manager Grace also noted looking into the possibility of having an electronic billboard downtown.

Member Showalter asked if it was agreed upon by all of the organizations in attendance to have Mr. Neubecker speak on their behalf if he were to attend any meetings. It was the consensus of those in attendance that they would be fine with Mr. Neubecker being the point person.

Member Bennett asked about the cost of the pulley system and it was noted the cost had not been determined.

Sharon Goethe asked if other projects requiring stuff to be strung across the street were going to be discontinued. Manager Grace noted that she would be ceasing all projects requiring stuff to be strung across the road in a similar fashion.

Mayor Lawrence noted that if Consumers Energy is not interested in hanging the banners due to liability issues then why would the City want to take that risk to their employees.

Sharon Goethe asked about the fact that at the first meeting a \$100 fee was discussed and now it is being discontinued altogether. Manager Grace again noted that she did in fact make that decision originally but after more information was gathered and the increased risk of a lawsuit if something were to happen due to the fact that the safety concern was brought up several times that she did in fact change her mind and was making the administrative decision to discontinue the program.

Ms. Goethe asked if there were a safer way to hang the banners. Manager Grace noted that it was the opinion of the DPW Superintendent that they were operating currently in the safest way possible.

Member Bennett noted there is a definite safety concern and the safety of City workers should be the first concern. She further noted that they should continue to look at compromises that may be beneficial to both sides.

Manager Grace noted that she could look into signage grants that may help with the cost of the pulley system if it works out.

\* \* \* \* \*

**MOTION BY BENNETT, SECOND BY SCHAIBERGER, TO APPROVE BILLS IN THE AMOUNT OF \$75,757.71.**

**Yes — Bennett, Lawrence, Schaiberger, Tuttle**

**No – None**

**Absent –Showalter, Weiler**

**Motion carried**

\* \* \* \* \*

A special event permit was submitted by Relay for Life for their annual cancer walk. The request noted that while it is not going to be held on City property this year, they did need an exemption from the noise ordinance due to the fact that the walk will take place all night.

**MOTION BY SCHAIBERGER, SECOND BY TUTTLE, TO APPROVE RESOLUTION 18-03**

**Resolution # 18-03**

**Whereas, Section 95.2 of the City of West Branch Code of Ordinances generally prohibits “the use, operation or permitting the use or operation of any radio or receiving set, musical instrument, stereo, or other machine or device designed for the production or reproduction of sound in such a manner as to disturb the peace, quiet and comfort of others in the vicinity, or . . . in such a manner that the noise is plainly audible at a distance of 50 feet from the source of the noise” “between the hours of 11:00 p.m. and 7:00 a.m. on Friday and Saturday and between the hours of 10:00 p.m. and 7:00 a.m. Sunday through Thursday”; and**

**Whereas, Section 95.2 (a) indicates that an “exception to prosecution under [ordinance 95.2 (also called the City’s ‘noise ordinance’)] may be granted for cause via resolution of Council; and**

**Whereas, the non-profit group “Relay for Life of Ogemaw County” is requesting such an exception to prosecution from July 20, 2018 through July 22, 2018, for the purpose of holding a**

community event to raise monies for the American Cancer Society at the Tolfree Wellness Park located near West Branch Regional Medical Center; and

Now, therefore, be it resolved the this Honorable Body hereby grants to Relay for Life of Ogemaw County an exception to prosecution under City ordinance 95.2 for cause via this Resolution of Council.

Yes — Bennett, Lawrence, Schaiberger, Tuttle

No – None

Absent –Showalter, Weiler

Motion carried

\* \* \* \* \*

A request was presented from the National School Choice Week organization asking to proclaim January 21-27 as School Choice Week.

**MOTION BY SCHAIBERGER, SECOND BY BENNETT, TO APPROVE PROCLAMATION 18-01**

**PROCLAMATION 18-01**

*A Proclamation Commemorating West Branch School Choice Week*

**WHEREAS, all children in the City of West Branch should have access to the highest-quality education possible; and,**

**WHEREAS, the City of West Branch recognizes the important role that an effective education plays in preparing all students in the City of West Branch to be successful adults; and,**

**WHEREAS, quality education is critically important to the economic vitality of the City of West Branch; and,**

**WHEREAS, the City of West Branch is home to a multitude of excellent education options from which parents can choose for their children; and,**

**WHEREAS, educational variety no only helps to diversify our economy, but also enhances the vibrancy of our community; and,**

**WHEREAS, our area has many high-quality teaching professionals who are committed to educating our children; and,**

**WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools, and organizations to raise awareness of the need for effective educational options;**

**NOW, THEREFORE BE IT RESOLVED that the City of West Branch hereby recognizes January 21-27, 2018 as School Choice Week.**

**Yes — Bennett, Lawrence, Schaiberger, Tuttle**

**No – None**

**Absent –Showalter, Weiler**

**Motion carried**

**\* \* \* \* \***

A request was presented from the Up North Prevention organization asking to proclaim April as Social Host Responsibility Month.

**MOTION BY BENNETT SECOND BY TUTTLE, TO APPROVE PROCLAMATION 18-02**

**PROCLAMATION 18-2**

**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 of. 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 2018 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, Lawrence, Schaiberger, Tuttle**

**No – None**

**Absent –Showalter, Weiler**

**Motion carried**

**\* \* \* \* \***

**MOTION BY SCHAIBERGER, SECOND BY BENNETT, TO APPROVE THE MINUTES AND SUMMARY FROM THE REGULAR MEETING HELD JANUARY 8, 2017.**

**Yes — Bennett, Lawrence, Schaiberger, Tuttle**

**No – None**

**Absent –Showalter, Weiler**

**Motion carried**

**\* \* \* \* \***

**MOTION BY SCHAIBERGER, SECOND BY LAWRENCE, TO RECEIVE AND FILE THE TREASURER’S REPORT AND INVESTMENT SUMMARY; ADMINISTRATIVE BUDGET AMENDMENTS; THE EMS BOARD MINUTES FROM THE MEETING HELD NOVEMBER 16, 2017; THE PLANNING COMMISSIN BOARD MINUTES FROM THE MEETING HELD DECEMBER 12, 2017; AND THE DECEMBER POLICE DEPARTMENT REPORT.**

**Yes — Bennett, Lawrence, Schaiberger, Tuttle**

**No – None**

**Absent –Showalter, Weiler**

**Motion carried**

**\* \* \* \* \***

A mailing from the Ogemaw County Genealogical Society was shared.

**\* \* \* \* \***

Member Schaiberger gave a Kids Club update and apologized in advance for not being able to make the Planning Commission meeting to be held on January 23, 2018.

Mayor Lawrence gave an update on the EMS awards night and noted the EMS Board is in favor of 911 having their own authority. She reminded everyone of the County meeting that is coming up dealing with the discussion of having 911 become their own authority. She also gave updates on the Fire Board meeting and joint DDA meeting that she attended.

Manager Grace noted the need for Council Members to let her know if they were going to be at the County 911 meeting so she can post it in case they have enough members to have a quorum. She also updated Council on the last Waste Water Treatment Plant Authority meeting and noted that they have had discussions on ways to correct issues that the original governing documents have due to the fact that there is no mention of how to proceed with the joint ownership after the bond is paid off. She noted that one of the options is to look into 425 agreements and that it was requested to have all boards attend a meeting in March to discuss this.

Member Bennett recommended waiting till fall sometime due to the fact that the decision is not needed right away.

It was the consensus to wait till fall to have a joint meeting with the Boards of Ogemaw and West Branch Township.

\* \* \* \* \*

Chief Walters updated Council that they did receive their new in car cameras and that they City would initially pay for them upfront but would be receiving reimbursement for the total amount due to a grant the City received.

\* \* \* \* \*

Mayor Lawrence adjourned the meeting at 6:58 pm.

---

Denise Lawrence, Mayor

---

John Dantzer, Clerk