

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET ON MONDAY, JULY 1, 2019.

Mayor Paul Frechette called the meeting to order at 6:00 p.m.

Present: Mayor Paul Frechette and Council Members Joanne Bennett, William Ehinger, Mike Jackson, Dan Weiler, and Cathy Zimmerman.

Absent: Council Member Ellen Pugh

Other officers present: City Manager Frank Goodroe, Clerk/Treasurer John Dantzer, DPW Superintendent Mike Killackey, Police Chief Ken Walters, City Attorney Gabriel Dantzer, Planning Commission Vice Chairperson Bob David, and DDA Chairperson Samantha Fabbri.

All stood for the Pledge of Allegiance.

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At 6:02, Mayor Frechette opened the public hearing on making Thomas St. a one-way street.

School Superintendent Phil Mikulski addressed Council on the plans of not allowing entry onto Thomas St. off of State St in order to make the morning drop off at the elementary school run smoothly, eliminate congestion on State St., and safer for the children. He noted the only other neighboring property owner off of Thomas St., who was also in attendance, had no issues with the plan. Chief Walters spoke on the plan and noted he had no issues with the change.

Eric Young asked if there would only be right hand turns off of Thomas St onto State St. Superintendent Mikulski noted the current plan would allow for both right hand and left hand turns off of Thomas St. with a dedicated lane being provided for each.

No one else wished to speak on the subject

MOTION BY FRECHETTE, SECOND BY JACKSON, TO APPROVE THE CLOSING OF THE PUBLIC HEARING.

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None

Absent – Pugh

Motion carried

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MOTION BY ZIMMERMAN, SECOND BY BENNETT, TO APPROVE THE CHANGE OF THOMAS ST. TO NOT ALLOW ENTRY OFF OF STATE ST. WITH A FORMAL RESOLUTION TO BE SUBMITTED AT A FOLLOWING MEETING.

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None

Absent – Pugh

Motion carried

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As an addition to the agenda, the removal of no parking signs on sections of S. Third and S. Second St. were added to the City Managers report.

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Bids were submitted for asphalt work on S. Sixth St. between Houghton Ave and Wright St. and Shrigley St. from S. Livingston St. to Valley St.

Superintendent Killackey spoke on the bids.

MOTION BY ZIMMERMAN, SECOND BY JACKSON, TO AWARD THE ROAD BIDS FOR S. SIXTH ST. AND SHRIGLEY ST. TO HODGINS ASPHALT NOT TO EXCEED \$87,660.00

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None Absent – Pugh Motion carried

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MOTION BY JACKSON, SECOND BY BENNETT, TO PAY BILLS IN THE AMOUNT OF \$211,768.59.

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None Absent – Pugh Motion carried

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Vicki Seltz Barnes updated Council on the 2019 Relay for Life event.

MOTION BY BENNETT, SECOND BY ZIMMERMAN, TO APPROVE PROCLAMATION 19-02

Proclamation # 19-02

WHEREAS, each American Cancer Society Relay For Life event gives everyone an opportunity to fight cancer and help save more lives, and

WHEREAS, Relay For Life is the signature fundraising event for the American Cancer Society to help fund research and provide programs to assist cancer patients and their families, as well as our local communities, and

WHEREAS, Relay For Life events celebrate cancer survivors and caregivers coming together to be recognized for their personal fights against this disease that has taken too much, and

WHEREAS, there is a special Luminaria Ceremony at dusk to honor the memories of those who have lost their battle, celebrate those who have won, and support those whose fight continues, and

WHEREAS, the Relay For Life of Ogemaw County will be held at The Tolfree Wellness Park at the MidMichigan Medical Center in West Branch, Michigan on Saturday, July 20 from 10 a.m. through Sunday, July 21 at 10:00 a.m. for the purpose of meeting the aforementioned objectives:

NOW, THEREFORE, BE IT PROCLAIMED, that July is named Relay For Life of Ogemaw County month in the City of West Branch and shall be dedicated to fight against cancer, and

BE IT FURTHER PROCLAIMED, that the City Clerk is directed to install this record in the permanent record of the City of West Branch, so that future West Branch citizens may look back with pride at community involvement in this signature event.

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None

Absent – Pugh

Motion carried

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Leah Pauley, on behalf of the Surline PTO, presented a special event permit for the 2020 Surline PTO Color Run.

MOTION BY BENNETT, SECOND BY ZIMMERMAN, TO APPROVE THE SPECIAL EVENT PERMIT FOR THE 2020 SURLINE PTO COLOR RUN AS SUBMITTED.

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None

Absent – Pugh

Motion carried

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Manager Goodroe submitted options to change the cleaning process of City Hall, Police Department, and Public Works building. The options included hiring an outside firm, increasing the frequency the current company is cleaning, using current employees, or keeping the current structure. Manager Goodroe noted his recommendation was to hire a new part time employee and cancel their current cleaning contract.

MOTION BY ZIMMERMAN, SECOND BY BENNETT, TO AUTHORIZE MANAGER GOODROE TO ADVERTISE FOR A PART TIME CUSTODIAL POSTION FOR A 6 MONTH TIME PERIOD AND TO REVIEW THE NEW POSITION AT THAT TIME.

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None

Absent – Pugh

Motion carried

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City Attorney Dantzer addressed Council on the recreational marijuana establishment act that was passed last December. Attorney Dantzer noted the act required the City to opt out or else the establishments would be allowed. She also noted that the City could change and opt in at any time. It was her recommendation to opt out until more guidance is provided from the State. Manager Goodroe noted it was also his recommendation to opt out at this time until the State provides more guidance.

MOTION BY JACKSON, SECOND BY EHINGER, TO APPROVE THE FIRST READING OF ORDINANCE 19-02

**CITY OF WEST BRANCH
COUNTY OF OGEMAW, STATE MICHIGAN
ORDINANCE NO. 19-02**

ORDINANCE TO PROHIBIT MARIJUANA ESTABLISHMENTS

The City of West Branch Ordains:

§115.01 *Title*. This ordinance shall be known as the City of West Branch Ordinance to Prohibit Marijuana Establishments.

§115.02 *Definitions*. This ordinance shall have the definitions as provided for in the Michigan Regulation and Taxation of Marijuana Act, (“MRTMA”), 2018 IL 1, MCL 333.27951, *et seq.*, as may be amended from time to time.

§115.03 *Marijuana Establishments Prohibited*. Pursuant to Section 6 of the MRTMA, marijuana establishments are prohibited within the boundaries of the City of West Branch.

§115.04 *Violation*. Any person who disobeys, neglects, or refuses to comply with any provision of this Ordinance, or causes, allows, or consents to any of the same, shall be deemed to be responsible for a Violation of this Ordinance. Each day that a violation continues shall constitute a separate violation. Violation of this Ordinance is a Municipal Civil Infraction, pursuant to §10.99 of the City of West Branch Code of Ordinances. In addition, the City may seek injunctive relief against persons alleged to be in violation of this ordinance, and such other relief provided by law.

§115.05 *Violation Deemed Nuisance Per Se*. A violation of this Ordinance is deemed a Nuisance Per Se.

§115.06 *Severability. Rights Unaffected by this Ordinance*. The invalidity of any clause, sentence, paragraph, or any part of this Ordinance shall not affect the validity of the remaining parts of this Ordinance. This Ordinance shall not affect the rights or privileges of any individual or other personal preserved under the MRTMA.

§115.07 *Effective Date*. This Ordinance shall take effect July 31, 2019.

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None

Absent – Pugh

Motion carried

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MOTION BY ZIMMERMAN, SECOND BY EHINGER, TO APPROVE THE MINUTES AND SUMMARY FROM THE REGULAR MEETING HELD JUNE 17, 2019

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None

Absent – Pugh

Motion carried

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MOTION BY BENNETT, SECOND BY JACKSON, TO RECEIVE AND FILE THE TREASURER’S REPORT AND INVESTMENT SUMMARY, THE MINUTES FROM THE DDA MEETING HELD MAY 28, 2019, AND THE MINUTES FROM THE WELLHEAD PROTECTION MEETING HELD JUNE 13, 2019.

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None

Absent – Pugh

Motion carried

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A communication from the Emergency Dispatch Authority was shared and Manager Goodroe noted the communication dealt with the notice that the Authority will be charging for their warrant services which will require a budget amendment in the police department budget. Manager Goodroe and Mayor Frechette noted they will be attending the next Emergency Dispatch meeting to discuss this issue.

A MML Convention flyer was shared.

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Mayor Frechette spoke on the recent car show and thanked the DDA, downtown businesses, and organizers for a great event.

Member Bennett noted the need to look at including curbs when the City replaces roads that do not currently have them.

Member Ehinger spoke on the Farmers Market.

MOTION BY BENNETT, SECOND BY WEILER, TO EXCUSE MEMBER PUGH FROM THE MEETING

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None

Absent – Pugh

Motion carried

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Manager Goodroe noted the attorney contract expired June 30th and requested to put the legal services out for bid. It was noted that Attorney Dantzer would continue to work as the City attorney at her previous approved rate until a new bid is awarded.

MOTION BY JACKSON, SECOND BY ZIMMERMAN, TO PUT THE CITY LEGAL SERVICES OUT FOR BID.

Yes — Bennett, Ehinger, Frechette, Jackson, Weiler, Zimmerman

No – None

Absent – Pugh

Motion carried

Manager Goodroe also noted he will be looking at the DDA agreements and will possibly be making some recommendations to the agreements with the City in order to allow the DDA to have more money for projects.

Manager Goodroe noted that he made a decision as the street administrator to remove the no parking signs that were added at S. Second and S. Third St. and allow for parking in those areas. Manager Goodroe noted he reviewed the Act 51 requirements and spoke with an MDOT evaluator and sees no issues that would not allow them to be parking spots. Manager Goodroe also noted he received a letter from the Chair of the DDA noting their support of reinstating those parking spaces. Manager Goodroe noted that he will continue to talk with the Planning Commission and City Council on these changes.

Superintendent Killackey updated Council on the road projects.

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Clara Roach addressed Council about the possibility of putting a handicap swing area in Irons Park. Ms. Roach also noted that some boards on a bridge in the park need to be repaired.

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Mayor Frechette adjourned the meeting at 7:25 pm.