

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET ON MONDAY, JUNE 17, 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, Ellen Pugh, Dan Weiler, and Cathy Zimmerman.

Absent: None

Other officers present: City Manager Frank Goodroe, Clerk/Treasurer John Dantzer, DPW Superintendent Mike Killackey (arrived at 6:18 pm), and DDA Vice Chairperson Joe Clark.

All stood for the Pledge of Allegiance.

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As an addition to the agenda, Manager Goodroe requested to join the ICMA.

MOTION BY PUGH, SECOND BY JACKSON, TO APPROVE THE MANAGER’S APPLICATION TO ICMA.

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

No – None Absent – None Motion carried

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As another addition to the agenda, a letter was submitted on behalf of Chief Walters requesting to use EBay to attempt to sell a retired police vehicle.

MOTION BY BENNETT, SECOND BY WEILER, TO APPROVE CHIEF WALTERS TO USE EBAY TO SELL THE POLICE VEHICLE WITH A MINIMUM BID OF \$2,000.00.

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

No – None Absent – None Motion carried

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As another addition to the agenda, a request was submitted on behalf of Superintendent Killackey to increase the approval amount of the DPW service vehicle and utility box because the USDA grant process has taken so long and the model year had changed causing the price to go up from the original quote.

MOTION BY JACKSON, SECOND BY ZIMMERMAN, TO APPROVE THE PURCHASE OF THE DPW TRUCK NOT TO EXCEED \$32,121 AND THE PURCHASE OF THE ADDITIONAL TRUCK BOX NOT TO EXCEED \$11,465.40.

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

Frank Goodre, City Manager

John Dantzer, City Clerk/Treasurer

Bridget Charles, Office Assistant

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

No – None

Absent – None

Motion carried

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MOTION BY JACKSON, SECOND BY WEILER, TO APPROVE THE MINUTES AND SUMMARY FROM THE REGULAR MEETING HELD JUNE 3, 2019

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

No – None

Absent – None

Motion carried

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MOTION BY JACKSON, SECOND BY ZIMMERMAN, TO RECEIVE AND FILE THE TREASURER'S REPORT AND INVESTMENT SUMMARY, THE MINUTES FROM THE PLANNING COMMISSION MEETING HELD MAY 28, 2019, AND THE MAY POLICE REPORT.

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

No – None

Absent – None

Motion carried

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MOTION BY BENNETT, SECOND BY JACKSON, TO APPROVE THE PAYMENT TO THE WEST BRANCH AREA RETAIL MERCHANT ASSOCIATION FOR THE DOWNTOWN RODEO IN THE SILVER SPONSORSHIP AMOUNT FOR THE SERVICES THEY PROVIDE TO THE CITY.

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

No – None

Absent – None

Motion carried

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A Surline School communication was shared thanking the City and staff at the Wastewater Treatment Plant for the tour of the facility.

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Mayor Frechette spoke on the Back to the Bricks event, the Flag Day event, and the Airport Fly-in

Joe Clark thanked everyone for their help and support of the Back to the Bricks event.

Member Jackson gave an EDC update and noted funding continues to be a major issue.

Member Ehinger spoke on the Airport Fly-in.

Member Weiler noted the building on S. 2nd and Wright St. had been demolished and a new accounting office would be built in that location.

Member Pugh noted a free concert coming up on June 30th.

Manager Goodroe commented on the Flag Day ceremony, spoke on strengthening the blight ordinance, strengthening the noise and nuisance ordinance, the junk and debris ordinance, the need to look at a rental inspection program, and the need to give prompt attention to the recreational marijuana situation.

Manager Goodroe also spoke on the Wastewater Treatment Plant and what an impressive facility it is, noted that PRT Fellow Mary Bickell has accepted a new position and that the City will be looking to fill the open Fellowship position, and noted there are vacancies on the Planning Commission.

Council discussed the recreational marijuana issues and Member Jackson gave an update on the new zoning ordinance including their discussion on the marijuana issue. It was the consensus of Council to plan a work session to discuss options.

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DPW Superintendent Mike Killackey updated Council on the road construction projects.

Manager Goodroe updated Council on the laundromat demolition process and that we will be reaching out to the community for ideas on what to put in that location.

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Denise Lawrence addressed Council on the possible use of the City car for non-city issues.

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Mayor Frechette adjourned the meeting at 6:53 pm.