

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD JOINTLY WITH THE PLANNING COMMISSION AND DDA IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY, JUNE 4, 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, Rusty Showalter, and Dan Weiler.

Absent: Mike Jackson and Aaron Tuttle

Other officers present: Treasurer/Clerk John Dantzer, DDA Chairperson Samantha Fabbri, and Police Chief Ken Walters.

All stood for the Pledge of Allegiance.

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As an addition to the agenda, Barbara Frantz presented a utility bill adjustment request.

MOTION BY BENNETT, SECOND BY LAWRENCE, TO AWARD THE ONE TIME UTILITY BILL ADJUSTMENT REQUEST AND ADJUST THE BILL TO \$187.66

Yes — Bennett, Lawrence, Schaiberger, Showalter, Weiler

No – None

Absent –Jackson, Tuttle

Motion carried

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Planning Commissioner Kara Fachting gave a yearly report of the Planning Commission and answered questions from Council.

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DDA Chairperson Samantha Fabbri gave a yearly report of the DDA.

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Bids were submitted for the mowing of City lots.

MOTION BY SCHAIBERGER, SECOND BY BENNETT, TO AWARD THE 2018 CITY LOT MOWING BID TO NORTHERN MOW AND TRIM IN THE AMOUNT OF \$80 PER LOT.

Yes — Bennett, Lawrence, Schaiberger, Showalter, Weiler

No – None

Absent –Jackson, Tuttle

Motion carried

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MOTION BY SHOWALTER, SECOND BY LAWRENCE, TO PAY BILLS IN THE AMOUNT OF \$55,703.83.

Yes — Bennett, Lawrence, Schaiberger, Showalter, Weiler

No – None

Absent –Jackson, Tuttle

Motion carried

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MOTION BY SCHAIBERGER, SECOND BY BENNETT, TO ACCEPT THE RESIGNATION OF TRACY WILLIAMS FROM THE DDA.

Yes — Bennett, Lawrence, Schaiberger, Showalter, Weiler

No – None

Absent –Jackson, Tuttle

Motion carried

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Council reviewed the waiver of first right of refusal for foreclosed property.

MOTION BY SHOWALTER, SECOND BY BENNETT, TO POSTPONE DECISION ON THE FIRST RIGHT OF REFUSAL FOR FORECLOSED PROPERTY.

Yes — Bennett, Lawrence, Schaiberger, Showalter, Weiler

No – None

Absent –Jackson, Tuttle

Motion carried

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A quote was submitted from AVI Systems for upgraded cable channel equipment as well as a sole source vendor request.

MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO APPROVE THE SOLE SOURCE VENDOR REQUEST AND AWARD THE BID FROM AVI SYSTEMS NOT TO EXCEED \$9,993.00

Yes — Bennett, Lawrence, Schaiberger, Showalter, Weiler

No – None

Absent –Jackson, Tuttle

Motion carried

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MOTION BY BENNETT, SECOND BY SCHAIBERGER, TO APPROVE RESOLUTION 18-13

RESOLUTION 18-13:

WHEREAS, the City of West Branch recognizes the importance if its groundwater supply as a natural resource used for drinking; and

WHEREAS, it is within the responsibility of the City of West Branch, as a public water supplier, to consider the health, safety and welfare of its customers; and

WHEREAS, groundwater contamination can and does occur as a consequence of a variety of land use activities; and

WHEREAS, it is desirable to preserve and protect the quality and quantity of our groundwater resources to assure a continued safe, adequate, and useable supply both now and in the future; and

WHEREAS, the protection of current and potential future sources of groundwater used for drinking water is worthwhile from the standpoint of resource protection; and

WHEREAS, state, county and municipal laws and regulations require certain land uses to obtain permits and approvals for construction and operation; and

WHEREAS, state agencies are not always aware of new development proposals and the owners or developers of proposed new land uses are not always aware of state, county and municipal permit and approval requirements; and

WHEREAS, local government officials, through adopted zoning ordinances, have the legal authority to review and/or approve land uses for the purposes of meeting the needs of the state’s residents for natural resource protection and public services, including public water supplies;

NOW THEREFORE BE IT RESOLVED that the City of West Branch does hereby agree to take action to: (1) protect the immediate Wellhead Protection Area and (2) take steps to update the zone of contribution to the wells or wellfield(s) in compliance with the State of Michigan Wellhead Protection Program; and

BE IT FURTHER RESOLVED that the City of West Branch requests the establishment of a “Budget Line Item” for wellhead protection in order to implement their Wellhead Protection Program Plan, at such time as funds become available; and

BE IT ALSO RESOLVED that the City of West Branch issue no land use permit, zoning permit, building or occupancy permit until such time that all required federal, state, county and/or local environmental permits or approvals have been obtained, and/or there is evidence that proper application to the responsible municipal, county, state or federal agencies has been made and significant issues affecting the Wellhead Protection Area have been addressed. An Environmental Permits Checklist will hereby be adopted for administrative use when new, changed or expanded land use activities are proposed.

Yes — Bennett, Lawrence, Schaiberger, Showalter, Weiler

No – None

Absent –Jackson, Tuttle

Motion carried

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MOTION BY LAWRENCE, SECOND BY SCHAIBERGER, TO APPROVE RESOLUTION 18-14

RESOLUTION #18-14

WHEREAS, City staff compares the year to date actual with the budgeted amount of all revenue and expenditures monthly; and

WHEREAS, during the review it was determined that expenditures in Fund 203, Local Streets Fund, has exceeded its budget due to more repairs required than anticipated and a more difficult winter than anticipated, and

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council hereby adopts the following budget amendments:

FUND 203 – Local Street Fund		
	BUDGET	AMENDED
CARRY OVER	412,161	401,686
REVENUE	139,591	139,591
EXPENDITURES		
Dept. 463.00 Construction		
703.700 Salaries and wages	7,500	9,650
710.700 Overtime	260	330
715.700 Social Security (employer)	492	620
716.700 BC/BS Health Insurance Premium	700	1,186
941.700 Equipment Rental	11,880	15,480
Dept. 478 Winter Maintenance		
703.700 Salaries and wages	2,265	2,417
710.700 Overtime	515	648
727.700 Operating supplies	2,370	4,715
941.700 Equipment expense	5,199	6,610
TOTAL EXPENDITURES	43,222	53,697

Yes — Bennett, Lawrence, Schaiberger, Showalter, Weiler

No – None

Absent – Jackson, Tuttle

Motion carried

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MOTION BY BENNETT, SECOND BY SCHAIBERGER, TO APPROVE RESOLUTION 18-15

RESOLUTION #18-15

WHEREAS, the City Council of the City of West Branch, County of Ogemaw, State of Michigan (the “City”) determines it to be necessary for the public health, safety and welfare of the City and its residents to acquire a blade truck with salt spreader, pickup with plow and a mower

(collectively, the “Equipment”) in an aggregate amount of not to exceed Two Hundred Seventy-Five Thousand Dollars (\$275,000); and

WHEREAS, under the provisions of Act No. 99, Public Acts of Michigan, 1933, as amended (“Act 99”), the City is authorized to enter into any contracts or agreements for the purchase of the Equipment to be paid for in installments over a period of not to exceed the useful life of the Equipment acquired as determined by resolution of the City; and

WHEREAS, the outstanding balance of all purchases by the City under Act 99, exclusive of interest, shall not exceed one and one quarter percent (1-1/4%) of the taxable value of the real and personal property in the City at the date of such contract or agreement; and

WHEREAS, purchase of the Equipment pursuant to an installment purchase agreement will not result in the outstanding balance of all such purchases in excess of the limitation contained within Act 99 as set forth above; and

WHEREAS, it is necessary for the City to arrange for the financing of the Equipment; and

WHEREAS, the City Council wishes to delegate to the City Manager and City Clerk/Treasurer to arrange for the financing of the Equipment with a bank or financial institution pursuant to an installment purchase agreement within the parameters set forth herein.

NOW THEREFORE, BE IT RESOLVED THAT;

1. The City Manager and City Clerk/Treasurer are each hereby authorized to arrange for the financing of the Equipment with a bank or financial institution pursuant to an installment purchase agreement. Interest on the agreement shall not exceed 5.0% per annum, the aggregate principal amount of the agreement shall not exceed Two Hundred Seventy-Five Thousand Dollars (\$275,000), and the term of the agreement shall not exceed five (5) years. The City Manager or City Clerk/Treasurer is hereby authorized to establish the final terms of the agreement, within the parameters set forth herein, and execute the agreement, when in final form, and deliver it to the purchaser.

2. The useful life of the Equipment is hereby determined to be not less than five (5) years.

3. The City Manager or her designee are each authorized to execute such additional documentation as shall be necessary to effectuate the closing contemplated by the agreement.

4. The City hereby agrees to include in its budget for each year, commencing with the present fiscal year, a sum which will be sufficient to pay the principal of and the interest coming due under the agreement during such fiscal year.

5. The City covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest component of the payments due under the agreement from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the “Code”), including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable.

6. The acquisition of the Equipment and the approval of the agreement hereby are found and declared to be for a valid public purpose and in the best interest of the health and welfare of the residents of the City.

7. The City hereby designates the agreement as a “qualified tax-exempt obligation” for purposes of deduction of interest expense by financial institutions pursuant to the Code.

8. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded to the extent of such conflict.

Yes — Bennett, Lawrence, Schaiberger, Showalter, Weiler

No – None

Absent –Jackson, Tuttle

Motion carried

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MOTION BY BENNETT, SECOND BY SCHAIBERGER, TO APPROVE THE MINUTES AND SUMMARY FROM THE REGULAR MEETING HELD, MAY 21, 2018.

Yes — Bennett, Lawrence, Schaiberger, Showalter, Weiler

No – None

Absent –Jackson, Tuttle

Motion carried

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MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO RECEIVE AND FILE THE TREASURER’S REPORT AND INVESTMENT SUMMARY AND ADMINISTRATIVE BUDGET AMENDMENTS 9873, 9875, AND 9876

Yes — Bennett, Lawrence, Schaiberger, Showalter, Weiler

No – None

Absent –Jackson, Tuttle

Motion carried

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A communication from Consumers Energy was shared.

A letter commending the police department for their exemplary work on a recent audit was shared.

An MML update was shared.

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Member Showalter shared a thank you from Nancy Griffin for the irrigation line that was installed at the Bell Tower and that she is working on the scheduling of the watering of those flowers.

Member Bennett noted the lights in the park are not coming on, that she has received reports of a rooster in town, thanked DPW for running the irrigation line as well, asked about the old laundromat

downtown, asked about the Faith Alive Church volunteer program, noted a possible fireworks program, and noted the Color Run was well attended.

Member Schaiberger noted the Iron Bandogs has started up their Monday downtown bike night and also noted the trees on the South side of Houghton look dead as well as one in the park.

Mayor Lawrence noted the City has begun cleanup of a house on N. Third St., the rain gardens in the park look to be dried up, and went over the Flag Day ceremony.

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Joe Clark noted the upcoming Chamber Business after Hours that will be at the Nature Park Game Refuge.

Pete Fabbri asked about the mowing bid that was approved and it was noted that it was only for the mowing of unmowed private lots not City property.

Kara Faching commented on upgrades to Camp Timbers.

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Mayor Lawrence adjourned the meeting at 7:00 pm.

Denise Lawrence, Mayor

John Dantzer, Clerk