

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY, MARCH 7, 2016.

Mayor William Ehinger called the meeting to order at 6:00 p.m.

Present: Council Members Kim Ervans, Jim Hasty, Denise Lawrence, Dave Lucas, Timothy Schaiberger, and Rusty Showalter.

Absent: None.

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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Mark Pintar introduced himself to Council as the new Commander of Sting and noted recent changes to the staff. He updated them on the grant process that he goes through to obtain funds and asked Council if they would be willing to contribute money for the services they provide to the City.

Mayor Ehinger asked if Mr. Pintar knew the amount that was contributed last year. It was noted that they City contributed \$2,994.60

Member Ervans asked about the activity that occurred within the City. Mr. Pintar noted that in the last year there were five complaints and that they were for deliveries of morphine, marijuana, and crack cocaine as well as a drug possession charge. He further noted that they are seeing an increase in Heroin related activities.

Manager Grace asked if Mr. Pintar knew how many of those arrests lead to convictions. Mr. Pintar noted that he did not know that because once the arrests are made, they are turned over to the prosecuting attorney but he would check on those.

Member Ervans asked if the drug numbers have been increasing or decreasing. Mr. Pintar noted that the reports of opiate based drugs such as heroin have been increasing due to the addiction to pain pills.

Member Ervans asked what the most common drug is currently. Mr. Pintar noted that it is currently opiate based prescription drugs and heroin.

Member Showalter asked if the numbers were increasing even with the legalization of marijuana in some cases. Mr. Pintar noted that they still are increasing and he further noted that there are now concerns with the marijuana that is being created because it contains high levels of THC in the marijuana and that in Colorado they were now reporting cases of children who have died because they ingested marijuana that was put into edibles. Member Schaiberger asked on the statistics of the deaths caused by the newer marijuana with the high levels of THC. Mr. Pintar provided the information to Member Schaiberger.

Member Ervans asked if there were any contributions budgeted yet. Manager Grace noted that currently she had not budgeted anything for this but could based on the recommendations of Council.

MOTION BY ERVANS, SECOND BY SHOWALTER, TO BUDGET 3,000 FOR THE STING CONTRIBUTION REQUEST FOR SERVICES THEY PROVIDE TO THE CITY FOR THE 2016/2017 BUDGET YEAR.

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

No – None

Absent – None

Motion carried

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Manager Grace noted that the Ogemaw County Economic Development Corporation (EDC) was not able to make it to the meeting and needed to reschedule their contribution request to the next Council meeting.

MOTION BY SHOWLATER, SECOND BY LUCAS, TO TABLE THE DECISION ON THE EDC CONTRIBUTION REQUEST FOR SERVICES THEY PROVIDE TO THE CITY UNTIL THEY ARE ABLE TO MAKE THE MEETING IN PERSON.

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

No – None

Absent – None

Motion carried

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Bids were opened for the refuse bids. Bids were received from Waste Management, Republic Services, and Sunrise Disposal. It was noted that the bids were for a three year service period.

The bids were tabulated as follows

Sunrise Services	\$ 8.88 per unit per month for the first year.
	\$ 9.15 per unit per month for the second year.
	\$ 9.42 per unit per month for the third year.
	\$3,600 per year for recycling containers plus \$325 per pull.

No additional cost for the cardboard recycling containers downtown.

No additional cost for the single axle truck.

No additional cost for 20 cans located downtown.

Waste Management \$ 9.75 per unit per month for the first year.
 \$ 10.14 per unit per month for the second year.
 \$ 10.55 per unit per month for the third year.

No additional cost for the recycling center containers.
No additional cost for the cardboard recycling containers downtown.
No additional cost for the single axle truck.
No additional cost for 20 cans located downtown.

Republic Services \$ 9.27 per unit per month for the first year.
 \$ 9.55 per unit per month for the second year.
 \$ 9.83 per unit per month for the third year.
 \$ 2,068.80 per year for the recycling containers

No additional cost for the cardboard recycling containers downtown.
\$15.02 per unit cost for the single axle truck.
No additional cost for 20 cans located downtown.

Member Hasty asked what the City was currently paying. Manager Grace noted that on the most current bill the City is paying \$9.27 per unit, \$344.80 for a 42 yd compactor at the recycling center, a fuel recovery fee of \$9.75, a basic service fee for the front load 8 yd compactor at the recycling center of \$60.95, and a basic service fee of \$ 58.39 for another 8 yd compactor at the recycling center.

Member Ervans and Showalter asked about the additional cost for a single axle truck. Clerk Dantzer noted that there was some concern from some members on the Planning Commission that the larger double axle garbage truck was causing more wear and tear to the City streets than a single axles would. It was also noted that there were differing opinions if that was true or not. Superintendent Jameson noted that he did not believe the double axle truck was doing any more damage than the single axle would.

Member Ervans asked if there was a representative from Waste Management, no one responded, and noted that they had issues with Waste Management when they had used them in the past and did not feel safe using them.

Member Evans also asked if they were able to table the decision to go over the numbers presented further. Manager Grace noted they did have that option.

Manager Grace asked if there would be any scheduling changes if Council chooses another company. Brian Hager of Sunrise noted that they would like to have a Tuesday pickup.

Member Ervans asked the Sunrise representative what communities they currently have contracts with. Mr. Hager noted that they do Butman Township which is similar in size of about 1,800 residents. Member Ervans also asked him where they take their refuse and he noted they take it to the Republic landfill on Whitefeather Rd.

Garry Hicks of Republic noted that they would keep the same day pickup and they also use the same Republic landfill. He further noted that all recycling is trucked to New Boston.

Member Ervans asked what the process would be if they switched companies. It was noted that Republic would be responsible for picking up the old carts.

Superintendent Jameson asked if the new companies would supply new carts to replace those that were old and damaged during the contract period the way Republic currently does. Mr. Hager of Sunrise Services noted that they would replace damaged ones as well. Mr. Hager did note that if they were awarded the contract they may have some trouble getting all of the carts on time for the start of the contract because he would have to order new ones.

Manager Grace noted that the monthly cost for the first year for garbage service only was Sunrise at a total cost of \$11,520.00, Republic a total cost of \$10,411.18, and Waste Management a total cost of \$8,775.00. She further noted that in year three, Waste Management would be \$9,495.00, Republic would be \$10,915, and Sunrise would be \$12,078.00.

Member Showalter also noted that they had several issues with Waste Management when they used them in the past which is what caused them to switch when they awarded the last contract.

Member Lucas noted that if they switched to Sunrise then the City could experience some issues with the garbage pickup because they would have to order the carts. Mr. Hager of Sunrise noted that they could put out the garbage in bags and they would stop and pick up the bags until all of the cans are delivered.

MOTION BY LUCAS, SECOND BY SCHAIBERGER, TO AWARD THE BID FOR REFUSE SERVICE TO REPUBLIC AS PRESENTED.

With Member Ervans raising a new question if the numbers included the price for recycling. It was noted that the numbers given did not. It was noted that because of this, it could change who has the lowest cost because they are not all even. With the new question raised, Members Lucas and Schaiberger withdrew their motion and support.

MOTION BY SCHAIBERGER, SECOND BY EHINGER, TO TABLE THE DECISION ON THE BID FOR THE REFUSE SERVICE TO FURTHER GO OVER THE BIDS.

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

No – None

Absent – None

Motion carried

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Bids for the Third Party Housing Administrator were opened. Lee Ann Fischer was the only bid received. Ms. Fischer introduced herself to Council and discussed that she has been involved in blight elimination grants with Arenac County. She noted that she also works with Ogemaw County has been in this line of work for over 27 years. She further noted that she could manage our loan payments at \$25/hour.

Member Showalter asked if Ms. Fischer was with NEMA. Ms. Fischer noted that she did work for them at one time but was now an independent contractor.

Manager Grace explained the Third Party Housing Administrator program to people in attendance and that the former provided was Bay Area Housing and they are no longer interested in providing us with a bid because they do not get involved with blight issues. Manger Grace further noted that the proposal called for a rate of pay of \$25/hour for any loan repayment work or additional housing related work. The blight and housing rehabilitation program rate would be based on the administration cost that is written into the grant.

Manager Grace also submitted letters of recommendation for Lee Ann from Gary Klacking of Ogemaw County and the clerk from Arenac County.

Member Showalter asked if on a MSHDA rehabilitation project, who would take care of any issues if the homeowner was not happy with the work performed by a contractor, her or the owner? Ms. Fischer noted that would be something she would be in charge of taking care of.

MOTION BY SCHAIBERGER, SECOND BY EHINGER, TO AWARD THE BID FOR THE THIRD PARTY HOUSING ADMINISTRATOR TO LEE ANN FISCHER AS PRESENTED.

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

No – None

Absent – None

Motion carried

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Manager Grace presented as an addition to the agenda a request from Riverhouse Shelter to host an event on Saturday April 23. Aimee Sandula, the director of the Riverhouse Shelter asked Council for permission to host the “5280 Walk” in West Branch this year. She further noted that it is an event to raise awareness on sexual assault. During the event they have men walk a mile in woman’s red shoes. She further noted that they like to rotate them in all of the Counties that they work in. She further noted that they do not need any road closures because they would use the sidewalks to walk to Irons Park from downtown. She further asked if they could rent the pavilion for the event that day and waive the rental fee due to it being a non-profit organization that benefits the community.

MOTION BY SHOWALTER, SECOND BY EHINGER TO ALLOW THE RIVERHOUSE SHELTER EVENT AS WELL AS WAIVE THE PAVILLION RENTAL FEE AS LONG AS IT ISN’T CURRENTLY RENTED.

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

No – None

Absent – None

Motion carried

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MOTION BY LUCAS, SECOND BY SCHAIBERGER, TO APPROVE THE MINUTES AND SUMMARY OF THE REGULAR MEETING HELD FEBRUARY 15, 2016, THE SPECIAL MEETING HELD FEBRUARY 26, 2016, AND THE WORK SESSION HELD FEBRUARY 26, 2016.

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

No – None

Absent – None

Motion carried

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Manager Grace noted as another addition to the agenda, Joe Clark, on behalf of the Ogemaw County Shooting Sports Club, requested to address Council. Mr. Clark noted that the club is submitting a grant to purchase some land from the State and develop a gun range and that part of the process is to have letters of support written from the local municipalities. Mr. Clark noted that the land they are looking for is in Ogemaw Township. He further noted that this will bring tourists into the area because there are only a couple of ranges that would be this big around. They anticipate that it would draw people from not only Michigan but also several other states.

Member Showalter asked if they had already talked to Ogemaw Township about this. Mr. Clark noted that they have been included in everything and are in full support of it.

MOTION BY ERVANS, SECOND BY SHOWALTER, TO APPROVE THE LETTER OF SUPPORT FOR THE DEVELOPMENT OF THE OGEMAW COUNTY SHOOTING SPORTS CLUB SHOOTING RANGE.

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

No – None

Absent – None

Motion carried

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Manager Grace presented a new FOIA policy for the Police Department as the last addition to the agenda. She noted that Sargent Morris has recently attended a FOIA training class that dealt specifically with police and large civil suit issues. She further noted that this would have no bearing on the general City wide FOIA requests.

Member Showalter asked who would be the FOIA coordinator for the police issues and it was noted that it would be both Sargent Morris and Chief Walters.

MOTION BY SHOWALTER, SECOND BY EHINGER, TO APPROVE THE NEW POLICE SPECIFIC FOIA REQUEST POLICY AS PRESENTED.

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

No – None

Absent – None

Motion carried

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MOTION BY SCHAIBERGER, SECOND BY SHOWALTER, TO RECEIVE AND FILE THE MINUTES OF THE AIRPORT BOARD MEETING HELD JANUARY 20, 2016 AS WELL AS THE AIRPORT 2016/2017 BUDGET.

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

No – None

Absent – None

Motion carried

Member Showalter asked about the increase to the airport budget and it was noted by Manager Grace that it was very minimal and amounted to \$344.25

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Manager Grace presented a letter written from the Ogemaw County Prosecuting Attorney commending Chief Walters for his professionalism and investigation skills in the handling of the recent murder investigation.

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Member Lawrence noted that the Fabulous Fridays Group is hosting a dance at Coco Cabanas on Friday March 11 to raise money for this years events. She also noted the last meeting was cancelled.

Member Schaiberger noted the Ogemaw Music Boosters will be hosting a concert to help raise funds towards the end of April.

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Manager Grace noted that she had a request to change a couple of the upcoming City Council meetings due to vacations and a conflict of dates with the Michigan Capital Conference. She noted that she would like to reschedule the March 21 meeting to March 29 at 6:00 and to cancel the first meeting of April and only hold the second meeting on April 18. She also noted that the City Charter does allow for only one meeting a month.

MOTION BY SCHAIBERGER, SECOND BY EHINGER, TO SWITCH THE SECOND CITY COUNCIL MEETING OF MARCH FROM MARCH 21 TO MARCH 29 AT THE NORMALLY SCHEDULED TIME AND LOCATION AS WELL AS TO CANCEL THE FIRST MEETING IN APRIL AND HOLD ONLY THE REGULAR MEETING SCHEDULED FOR APRIL 18.

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

No – None

Absent – None

Motion carried

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Manager Grace submitted a job description for the new position of Lead Heavy Equipment Operator.

MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO APPROVE THE JOB DESCRIPTION AS PRESENTED FOR THE NEW POSTION OF LEAD HEAVY EQUIPMENT OPERATOR.

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

No – None

Absent – None

Motion carried

Member Showalter asked if the position had been filled and Manager Grace noted that it was now filled.

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Manager Grace noted that preliminary figures for this year’s taxable values for the City increased by \$2,458,901.00

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MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO PAY THE BILLS IN THE AMOUNT OF \$132,528.08

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

No – None

Absent – None

Motion carried

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MOTION BY SCHAIBERGER, SECOND BY EHINGER TO SUPPORT RESOLUTION 16-04

RESOLUTION 16-4

THEREFORE, BE IT RESOLVED, that the West Branch City Council does hereby authorize the transfer of up to 25% of the Act 51 money from Major Street to Local Street.

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

No – None

Absent – None

Motion carried

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Manager Grace noted that at a previous meeting a motion incorrectly stated Michelle Frechette as an authorized signer for the City’s bank accounts.

MOTION BY SCHAIBERGER, SECOND BY SHOWALTER, TO APPROVE THE REMOVAL OF MICHELLE FRECHETTE AS A SIGNATOR ON ALL ACCOUNTS AND TO ALLOW AS SIGNATORS MAYOR WILLIAM EHINGER, MAYOR PRO TEM DENISE LAWRENCE, MANAGER HEATHER GRACE, AND CLERK/TREASURER JOHN DANter AS WELL AS AUTHORIZE BANKING AT PNC PANK, MERCANTILE BANK, CHEMICAL BANK, NORTLAND AREA FEDERAL CREDIT UNION, AND ANY SUCH OTHER BANKS AS DESIGNATED BY THE MANAGER OR CLERK/TREASURER.

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

No – None

Absent – None

Motion carried

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Manager Grace noted that they did have the updated numbers for the refuse bids if they would like to bring it back up for vote. The updated numbers were as follows

Sunrise prices per month : first year \$11,592, second year \$11,835, and third year \$12,078
Republic prices per month: first year \$10,411.80, second year \$10,663.80, and third year \$10,915.80
Waste Management prices per month: first year \$8,775, second year \$9,126, and third year \$9,495

Manager Grace also noted that a representative from Waste Management was now available for questions.

Member Ervans asked the representative if she could reassure the City that there wouldn't be any changes to the contract once it is signed because they had problems in the past with Waste Management changing things once the contract was signed. Waste Management representative Jill Reynolds noted that she could put specific items in the contract if there were questions and that they wouldn't change the contract.

Member Ervans also asked if there were any provisions in their contract to take care of lumber materials such as drywall etc. if someone was to remodel part of their home. Ms. Reynolds noted that they have a facility in Tawas that they could take stuff to or they could call her on special occasions and if they have room in the truck then they could haul it away.

Member Ervans asked if there were any plans to reopen the transfer station in West Branch. Ms. Reynolds noted that while she would like to see it opened, it was nothing that she was in control of and did not know of any plans to reopen it as of now.

Member Showalter asked if she would be able to get us the containers on time. Ms. Reynolds noted they already have them in stock and it would be no problem.

Ms. Reynolds noted that Waste Management prides themselves on being part of the community and would help be a part of fundraising events.

Manager Grace noted the difference in price between Waste Management which is the lowest bid and Republic which is the second lowest is \$1,636 per month in the first year for a difference of \$ 19,646.60 for the entire year and \$1,420 per month for a difference of \$17,046.60 for the entire year in year 3.

Member Hasty asked if we knew what we paid Waste Management the last time they held the City's contract. Manager Grace noted that they did not have this information.

Member Showalter noted that he had problems with large item pickups in the past with Waste Management at the residential apartments that he managed. He noted that at first he did have large item pickup, then it stopped, once he called they started again, and then it stopped again a short time after that. Ms. Reynolds noted that they could get that specifically stated in the contract to eliminate

any questions. Mr. Hager of Sunrise noted that if he was counted in the number of units in the City count then he would get the large item pickup.

Member Ervans also noted that last time Waste Management kept changing the amount of large items pickup and that they would constantly have to call to get stuff picked up and that is why he was concerned with switching back to Waste Management. He further noted that he was upset that they closed the transfer station right after they signed the contract and were told that they could take large item stuff there anytime throughout the length of the contract.

Ms. Reynolds noted that she understood the concern but that they have undergone several changes and that they have not had any of these issues recently.

Members Hasty and Lucas asked about having carts for vacant land. Mrs. Reynolds noted that typically the unit count only included lots with buildings on them.

There were some questions raised as far as fuel surcharge. Sunrise noted they do not have fuel surcharge. Waste Management noted they do not charge unless gas gets above \$3.00 a gallon, then it is a one cent for every four cents jump in gas prices and that there are no other extra fees. Republic has a surcharge of a base of \$3.00 a gallon and a 4 cent increase for a 10 cent jump in gas prices.

Ms. Reynolds noted that they would need to know as soon as possible to get all of the carts delivered in time for the first pickup in April.

MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO BRING BACK FOR VOTE THE BIDS FOR THE REFUSE CONTRACT THAT WAS PREVIOUSLY TABLED.

(The motion would need at least five yes votes to bring it back to the floor for a vote.)

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

No – Lucas

Absent – None

6-1 Motion carried

Member Showalter noted that he had concerns recommending Waste Management but that because of budget issues and the extreme cost difference he would recommend trying Waste Management again.

Member Lucas asked if they would have the exact contract before they voted on it. Manager Grace noted that the bid was based on the RFP that we issued and that she wouldn't sign anything that was different than what was discussed.

MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO AWARD THE BID FOR THE REFUSE CONTRACT TO WASTE MANAGEMENT AS PRESENTED.

Yes – Ehinger, Hasty, Lawrence, Schaiberger, Showalter

No – Ervans, Lucas

Absent – None

Motion carried

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Janet Blanchard addressed Council with concerns over the way the City snow blows the sidewalks as well as the stop sign on the corner of Wright St. and S. Fourth is dangerous because people run it all the time, the condition of some of the streets, and the condition of the cemetery last year.

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Superintendent Dennis Jameson noted that they have finished the floors and painted the inside of the warming house and will move to strip and wax City Hall next.

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Mayor Ehinger adjourned the meeting at 8.00 pm

William Ehinger, Mayor

John Dantzer, Clerk