

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY, MARCH 19, 2018.

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

Present: Mayor Denise Lawrence and Council Members Joanne Bennett, Michael Jackson, Tim Schaiberger, Rusty Showalter, Aaron Tuttle, and Dan Weiler.

Absent: None

Other officers present: City Manager Heather Grace, Treasurer/Clerk John Dantzer, Planning Chairman Bob David, City Attorney Gabrielle Dantzer, and Police Chief Ken Walters.

All stood for the Pledge of Allegiance.

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As an addition to the agenda, bids were submitted for the energy efficient lighting project.

MOTION BY SHOWALTER, SECOND BY JACKSON, TO NOT AWARD THE BID FOR THE CITY WIDE ENERGY EFFICIENT LIGHTING PROJECT AND TO HAVE THE PROJECT REBID BASED ON A LIST OF FIXTURES THAT WILL BE PROVIDED TO THE BIDDERS BY THE CITY.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

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As another addition to the agenda, a Masterplan public input survey was submitted to Council on behalf of the Planning Commission as part of their Masterplan update they are working on.

MOTION BY LAWRENCE, SECOND BY SCHAIBERGER, TO APPROVE THE MASTERPLAN PUBLIC INPUT SURVEY AND APPROVE INCLUDING IT IN THE NEXT WATER BILL MAILINGS.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

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Lt. Pintar of Sting gave a Sting update and submitted the budget for the 2017-2018 fiscal year. Lt. Pintar also noted they are working on a new interlocal agency agreement

Chief Walter spoke in favor of continuing to allocate funds to Sting because they do provide a great service to the City and are a great source of help for their department.

MOTION BY SHOWALTER, SECOND BY WEILER, TO APPROVE THE BUDGET AS SUBMITTED AND AUTHORIZE THE PAYMENT IN THE AMOUNT OF \$2,994.60.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

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Phil Shaw spoke to Council about the possibility of having West Branch named the Bigfoot Capital of Michigan.

Joe Clark spoke in favor of the idea, noting that anything that will bring people to town is good for the area.

Peter Fabbri also spoke in favor of it.

MOTION BY SCHAIBERGER, SECOND BY TUTTLE, TO APPROVE RESOLUTION 18-07

RESOLUTION #18-07

WHEREAS, it has been determined the West Branch area to be a very Squatchy area with its many lakes, swamps, and forests, and

WHEREAS, as certified Bigfoot researcher Phil Shaw has documented over 90 incidents of Bigfoot type activity in the general West Branch area, and

WHEREAS, multiple Bigfoot conferences have been held in West Branch over the past five years, and

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council hereby declare the City of West Branch be designated the Bigfoot capital of the State of Michigan.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

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William Ehinger addressed Council on a recent article in a local newspaper.

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Bids were submitted for the water meter replacement RFP.

MOTION BY LAWRENCE, SECOND BY JACKSON, TO AWARD THE WATER REPLACEMENT BID TO SLC METER ON THE CONDITION THAT THE BID IS ACCEPTED ON THE MODIFIED TERMS

OUTLINED IN OPTION #4, WITH POTENTIAL REDUCTIONS IN LABOR COSTS TO BE WORKED OUT BETWEEN SLC METER AND THE WEST BRANCH DPW, CONTINGENT UPON A FUTURE VOTE OF CITY COUNCIL TO APPROPRIATELY MODIFY WATER RATES TO CORRESPOND WITH THE INCREASE IN REVENUE THAT WOULD BE NECESSARY TO COVER THE COSTS ASSOCIATED WITH THE AWARDED OF THE BID AND THE INTENTION TO UPGRADE ALL CITY WATER METERS OVER THE COURSE OF THE NEXT TEN YEARS.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

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MOTION BY SCHAIBERGER, SECOND BY SHOWALTER, TO APPROVE THE ENACTMENT OF ORDINANCE 18-01 ENTITLED CITY OF WEST BRANCH CEMETERY ORDINANCE

**City of West Branch Cemetery Ordinance
Ogemaw County, Michigan
(Ordinance No. 18-01)**

An ordinance to protect the public health, safety and general welfare by establishing regulations relating to the operation, control, maintenance, and management of cemeteries owned, controlled, or operated by the city of West Branch, in Ogemaw County, Michigan; to provide penalties for the violation of said ordinance, and to repeal all ordinances or parts of ordinances in conflict therewith.

The City of West Branch ordains:

Section 1. Title

This Ordinance shall be known and cited as the “City of West Branch Cemetery Ordinance.”

Section 2. Purpose and Intent

The City of West Branch recognizes and concludes that the proper and reasonable maintenance, appearance, and use of the cemetery or cemeteries owned or controlled by the City is an important function of the government of the City. It is also important that burials, disinterments, and other matters associated with a municipal cemetery are handled in a respectful and proper way in order to promote the safety, public health, and general welfare of the community. The City finds that the adoption and enforcement of this Ordinance is in the best interests of the property owners and residents of the City.

Section 3. Definitions

- (a) A “cemetery plot” shall consist of an area in a City cemetery sufficient to accommodate burial space for one deceased person. It shall consist of a land area at least forty-five (45) inches wide and one hundred and twenty (120) inches in length. The sale of a cemetery plot grants right of burial only and does not convey ownership of the land or grant any additional property rights.
- (b) “City” means City of West Branch, MI.
- (c) “City cemetery” or “cemetery” means any cemetery owned, operated, and/or controlled by the City.
- (d) “Sexton” means the Department of Public Works Superintendent or others named by resolution of City Council.
- (e) A “marker” shall be considered a structure built in remembrance of a person or persons and marking the location of a person or person who is/are deceased.
- (f) A “monument” shall be considered a structure built for commemoration only and has no connection to the location of a person or persons who is/are deceased.
- (g) A “memorial” shall be considered a structure built to honor a person.

Section 4. Sale of Cemetery Plots; Nontransferable

- (a) After the effective date of this Ordinance, cemetery plots shall be sold by the City for the purpose of burial for the purchaser of a cemetery plot or his or her immediate family. No sale shall be made to funeral directors or others, except for those acting as an agent for an eligible purchaser.
- (b) All sales and transfers of cemetery plots shall be made and signed by the designated City official, which grants a right of burial only and does not convey any other title or right to the cemetery plot or burial space sold. Such forms shall be signed by the City Clerk and shall constitute a complete agreement between the City of West Branch and the plot owner. Proof of ownership for transfers may be required at the discretion of the City Clerk.
- (c) Cemetery plots may be sold to any resident or nonresident of the City. Rates may be different for residents and nonresidents and shall be set by administrative act of the City Treasurer. A resident is defined as a person who owns real property within the corporate limits of the City of West Branch according to tax records and has a valid State ID listing the real property as their principal residence at the time of purchase or a person who maintained their primary address and place of dwelling within the corporate limits of the City of West Branch for a cumulative total of at least 20 years. City Council may adjust the rates for plots in special circumstances by passage of a City resolution.
- (d) Cemetery plots are not to be purchased for speculative purposes. Sites are provided as a service to the public and individual profit or gain is not a purpose of the cemetery. Therefore, all private sales of plots shall be made only to the City of West Branch for resale to members of the public at a preset price set by administrative act of the City Treasurer. All burial rights shall contain language stating such and restricting the private sale of cemetery lots.
- (e) The City shall allow for purchase up to four (4) lots for their use or the use by immediate family members. Members of the same immediate family which include the spouse and children under the age of 21 qualify as one resident for the purpose of this section.
- (f) The City shall have the right to correct any errors that may be made concerning interments, disinterments, or in the description, transfer, or conveyance of any cemetery plot, either by

canceling the permit for a particular vacant cemetery plot or plots and substituting and conveying in lieu thereof another vacant cemetery plot or plots in a similar location within the cemetery at issue or by refunding the money paid for the cemetery plot to the purchaser or the successor of the purchaser. In the event that an error involves the interment of the remains of any person, the City shall have the right to remove and transfer the remains so interred to another cemetery plot in a similar location in the same City cemetery in accordance with law.

- (g) The lawful owner of any cemetery plot shall be responsible for promptly notifying the City whenever that person's mailing address changes.

Section 5. Purchase Price for Cemetery Plots

- (a) Prices for a cemetery plot are set by administrative act of the City Treasurer, and included in the fee schedule as reviewed and published annually. Additional burial spaces on a purchased plot are available to be used for cremains or infant burials.
- (b) All charges shall be paid to the City.

Section 6. Grave Opening Charges

- (a) The City may charge reasonable fees for the opening and closing of any cemetery plot, prior to and following a burial therein, and including the interment of ashes. Such fees shall be set from time to time by administrative act of the City Treasurer, payable to the City.
- (b) No cemetery plot shall be opened or closed except under the direction and control of the City Sexton or such other individual as is designated by the Sexton. This subsection B shall not apply to any grave opening, disinterment, or similar matter which is done pursuant to a valid court order or under the supervision and direction of local or state health department authorities; however, even in such cases, the City Sexton shall be given at least twenty-four (24) hours' prior notice of when such grave opening or closing will occur.

Section 7. Markers or Memorials; No Monuments

- (a) Markers are allowed in any section of the Brookside cemetery except in the '73 addition where only flush markers can be placed.
- (b) One monument per gravesite is allowed except in the '73 addition where monuments are not allowed.
- (c) All markers, memorials, and monuments must be comprised of stone or other equally durable composition and shall face the same direction as the markers and memorials around them.
- (d) Any monument or marker shall be placed in accordance with the cemetery specifications. No monument or marker is to be placed without first contacting the City sexton, or a designated representative, to insure compliance with this rule without incurring unnecessary re-setting costs.
- (e) Flush markers placed in memory of someone that is not buried in the cemetery are allowed. The death certificate of the person must accompany the request for the markers along with a statement telling where the remains are located.
- (f) Except for monuments that existed in a City cemetery before the effective date of this Ordinance, no monument will be allowed or erected in a cemetery without written consent of the City Sexton. For purposes of this Ordinance, "monument" shall be defined as any marker, memorial, statue, or similar item which exceeds thirty (30) inches in height above normal ground level or which has a ground surface area exceeding thirty-two (32) inches in width for a single marker or fifty-six (56) inches in width for a double marker. Only one (1) monument or marker shall be permitted per

cemetery plot. Markers shall be no more than thirty two (32) inches in width for a single marker or fifty six (56) inches in width for a double marker, with an overall height of no more than thirty (30) inches above ground level, including the foundation. The placing of a monument may make a plot unusable for interment of a full burial depending on the size of the monument.

- (g) The footing or foundation upon which any marker, monument, or memorial must be placed shall be constructed by the City, or such person(s) as may be designated by the City. Footing or foundation may be placed by a private party with prior written consent from the City Sexton. Fees for such work shall be set from time to time by administrative act of the City Treasurer, payable to the City. All installations by private contractors are subject to the inspection of the Cemetery Sexton. The City of West Branch will not be responsible for improper installation by private contractors. Any repair or re-installation will be performed at the property owners' expense.
- (h) Should any monument or memorial (including any monument or memorial that was in place before this Ordinance became effective) become unsightly, broken, moved off its proper site, dilapidated, or a safety hazard, the City Council shall have the right, at the expense of the owner of the cemetery plot, to correct the condition or remove the same. The City shall make reasonable attempts to contact the owner of the cemetery plot prior to any such work beginning.
- (i) The maintenance, repair, and upkeep of a cemetery memorial, marker, urn, or similar item is the responsibility of the heirs or family of the person buried at that location. The City has no responsibility or liability regarding the repair, maintenance, or upkeep regarding any such marker, memorial, urn, or similar item.

Section 8. Interment Regulations

- (a) The interment of two bodies in one grave is prohibited, except for a parent and infant child, or two (2) children buried at the same time, provided that this does not involve the burial of two caskets on top of each other, and does not encroach upon adjacent lots, graves, or aisles. Up to two (2) cremains burials or one vault burial and one cremains burial may be placed on a plot instead of a traditional vaulted burial.
- (b) The City shall be given not less than 36 hours' prior notice in advance of any funeral to allow for the opening of the cemetery plot. Notification of burial for weekends and holidays must be made prior to 9 a.m. on the last regular work day before the weekend or holiday. Notifications made after this deadline may be scheduled for the weekend or holiday at the discretion of the City Sexton. The opening and closing of cemetery plots shall be done only by the City or such person or persons as are designated by the City.
- (c) No interment shall take place without a burial-transit permit and shall be presented to either the City Sexton, City Clerk, or other designated City official prior to interment. Either a burial permit or death certificate shall accompany cremation burials.
- (d) No plot shall be used for any other purpose than the burial of human remains.
- (e) In order to allow for the general care of the cemetery, the surface of all graves shall be kept in an orderly and neat-appearing manner within the confines of the cemetery plot involved.
- (f) Before any interment is made, complete payment including perpetual care fees for the plot must be made to the City. Deferred payments on additional unused lots may be accepted for up to one year. After that time, the City may make lots available for sale to the public without notification. All payments made will then be forfeited unless other arrangements are made.

Section 9. Disinterments

- (a) No disinterment or digging up of an occupied grave shall occur until and unless any and all permits, licenses, and written authorizations required by law for such disinterment or digging up of an occupied grave have been obtained from any applicable state or county agency, governmental unit, or official and a copy of the same has been filed with the City.
- (b) The City Council shall have the authority to refuse to allow a disinterment or the digging up of an occupied grave (and to refuse to issue a City disinterment permit for the same) if the disinterment or digging up of an occupied grave is not done pursuant to a court order (issued by a court of competent jurisdiction) or does not have a reasonable basis.

Section 10. Winter Burials

- (a) The City may charge additional fees for winter burials and in which the additional fees will be set by administrative act of the City Treasurer.
- (b) If a winter burial cannot occur due to inclement weather, frozen ground, or similar condition, the deceased person may be kept in winter storage until a spring burial can occur. Written permission by the next of kin or authorized agent must be obtained prior to winter storage. All such winter storage costs shall be paid by the estate of the deceased person or the person's next of kin.
- (c) No winter burials shall occur without the prior consent of the City Sexton.

Section 11. Cremains

- (a) Cremains may be buried in a cemetery plot
- (b) No cremains shall be scattered or dispersed within a City cemetery.

Section 12. Grounds Maintenance

- (a) The general care of the Cemetery is assumed by the City of West Branch Public Works Department and include the cutting of grass at reasonable intervals, the raking and cleaning of grounds, and the pruning of shrubs and trees that may be planted by the City of West Branch.
- (b) One shepherd hook with flowers per headstone is allowed from May 1st to October 15th of each year. All other decorations must be on the headstone or foundation. Anything other than the one Shepherds hook that is on the lawn areas will be removed and disposed of by the City maintenance crews. The City assumes no responsibility for damage or theft of hooks or decorations.
- (c) Grave blankets may be placed and maintained at the head stones of graves from October 15th to April 15th. If not removed by April 15th, they will be removed and disposed of by the City maintenance crews.
- (d) Veteran flags and flag holders shall be governed by the Veteran's Administration rules and guidelines.
- (e) No grading, leveling, or excavating within a cemetery shall be allowed without the prior permission of the City Sexton.
- (f) Absent written permission of the City Sexton, no flowers, shrubs, trees, or vegetation of any type shall be planted outside of an urn that is included as part of a monument or marker. Any of the foregoing items planted without City approval will be removed by the City.
- (g) The City reserves the right to remove or trim any existing trees, plants, or shrubs located within a cemetery in the interest of maintaining proper appearance and use of the cemetery.

- (h) Mounds, bricks, blocks, and any borders that hinder the free use of a lawn mower or other gardening apparatus are prohibited.
- (i) The City Sexton, or cemetery maintenance personnel shall have the right and authority to remove and dispose of any and all growth, emblems, displays, containers, and other items that through decay, deterioration, damage, or otherwise become or are unsightly, a source of litter, or a maintenance problem.
- (j) Surfaces other than earth or sod are prohibited.
- (k) All refuse of any kind or nature including, but not limited to, dried flowers, wreaths, papers, and plastic flower containers must be removed from the cemetery within two weeks after a burial.
- (l) No glass containers or items are allowed.
- (m) Except for markers, memorials, flowers, and urns expressly allowed by this Ordinance, and veteran flags as authorized by law, no other item (including, but not limited to, ornaments, signs, trellises, statues, benches, landscaping, bricks, stones, grave border materials or other structures) shall be installed or maintained within a City cemetery, nor shall any grading, digging, mounding, or similar alteration of the ground or earth occur except as authorized by this Ordinance or by the City.

Section 13. Disclaimer of City Liability and Responsibility

Every person who enters, remains in, and travels within a City cemetery does so at their own risk. The City is not responsible for any injury, accident, or other calamity that might occur to any person present in a City cemetery. Furthermore, the City is not responsible for any damage or vandalism to, theft of, or deterioration of any burial monument, headstone, flower urn, or other item placed at or near a cemetery plot, burial site, or anywhere in a City cemetery. The purchaser or transferee of any cemetery plot or the equivalent (and all subsequent transferees, assigns, heirs, or beneficiaries) hereby releases, waives, indemnifies, and holds harmless the City for, from, and against any injury, damages, causes of action, claims, costs, and expenses associated with, relating to, and/or involving the cemetery plot or similar right, any headstone, monument, or similar items, and any matter related to the cemetery involved. Such waiver, release, and hold harmless provision shall apply not only to the City, but also as to the City Sexton and any City employee, officer, official, or agent.

Section 14. Forfeiture of vacant cemetery plots or burial spaces

Cemetery plots or burial spaces sold and remaining vacant for fifty (50) years or more from the date of their sale shall automatically revert to the City upon the occurrence of the following events:

- (a) Notice shall be sent by the City Clerk by first-class mail to the last known address of the last owner of record informing him/her of the expiration of the 50-year period and that all rights with respect to said plots or spaces will be forfeited if he/she does not affirmatively indicate in writing to the City Clerk within sixty (60) days from the date of mailing of such notice of his/her desire to retain such burial rights; and
- (b) No written response to said notice indicating a desire to retain the cemetery plots or burial spaces in question is received by the City Clerk from the last owner of record of said plots or spaces, or his/her heirs or legal representative, within sixty (60) days from the date of mailing of said notice.

Section 15. Repurchases of Plots or Burial Spaces

The City may repurchase any cemetery plot from the owner for a price set by administrative action of the City Treasurer, upon the written request of said owner or his or her legal heirs or representatives. The repurchase of cemetery plot must be inspected and authorized by the City Sexton that the plot has value to the City and is able to be offered for sale to the public before the purchase is approved.

Section 16. Records

The City Clerk shall maintain records concerning all burials, cemetery plots, issuance of burial permits, and any other records of the City related to City cemeteries, and the same shall be open to public inspection during business hours.

Section 17. Vaults

- (a) All full burials shall be within a standard concrete vault (which meets all applicable laws) installed or constructed in each cemetery plot before interment. Vaults of other suitable materials may be allowed at the discretion of the City.
- (b) Vaults cannot be placed in the ground prior to death.

Section 18. Cemetery Hours

Unless otherwise specified by the City Council by resolution, all City cemeteries hours of access are limited to daylight hours. When the cemetery is closed, no person shall be present in a City cemetery. Such prohibition on being present in a City cemetery during the time when City cemetery is closed shall not apply to the City Sexton, any City official, a person accompanied by the City Sexton or other City official, or any law enforcement or firefighting official when engaged in the lawful duties of any such office or position.

Section 19. Prohibited Uses and Activities

The following prohibitions shall apply within any City cemetery:

- (a) No person shall destroy, deface, apply graffiti to, or otherwise damage any monument, sign, tree, or other lawful item located within a City cemetery.
- (b) No person shall disturb the peace or unreasonably annoy, harass, or disturb any other person who is lawfully present on the grounds of any City cemetery.
- (c) There shall be no entry or presence in the cemetery by any person when the cemetery is closed or outside of authorized times.
- (d) There shall be no headstones, ornaments, vases, plastic flowers, fences, benches, trellises, statues, signs, or any other item placed, kept, installed, or maintained in a cemetery except those expressly allowed by this Ordinance.
- (e) There shall be no digging, grading, or mounding unless expressly authorized by this Ordinance.
- (f) There shall be no driving of an automobile, truck, motorcycle, or any vehicle on any portion of a cemetery except the designated roads or drives.
- (g) Vehicles shall be operated at reasonable speeds not to exceed 10 mph. Except when parking or passing, vehicles shall be restricted to the designated lanes.
- (h) There shall be no snowmobiles, four-wheelers, go-carts, or similar vehicles, except those that are required for handicap purposes.

- (i) There shall be no gathering of persons in excess of 75 people without prior City approval (except during or incidental to a funeral occurring concurrent with burial).
- (j) There shall be no disinterment or grave openings unless approved by the City.
- (k) There shall be no music, playing of any radio, or the use of any amplification device or similar item, except pursuant to a funeral or military ceremony.
- (l) There shall be no solicitation or peddling of services or goods or any signs or placards advertising any goods or services.
- (m) There shall be no littering or dumping.
- (n) There shall be no unlawful interference with or disruption of a lawful funeral or funeral procession.
- (o) There shall be no private signs, lighting, moving displays, or changeable copy on a sign.
- (p) There shall be no fires, candles, or open flames.
- (q) No children under twelve (12) years of age shall be allowed in any City cemetery unless accompanied by an adult and are properly supervised by an adult.
- (r) There shall be no domestic animals of any kind or pets allowed within the cemetery grounds. However, this prohibition shall not apply to service dogs.
- (s) No firearms or archery arrows shall be discharged or shot except that a military or other veteran organizations may carry arms for the purpose of firing over the grave at the burial of a member.
- (t) No person shall engage in any fight, quarrel, or disturbance.
- (u) Cremains or ashes of a deceased person shall be only interred by manner approved in this ordinance.
- (v) No person shall possess or consume any alcoholic beverage.
- (w) There shall be no plowing off snow or ice from any area of the cemetery by anyone other than the City Department of Public Works.

Section 20. Authority of the City Sexton

- (a) The Sexton shall be the Superintendent of Public Works of the City or anyone else appointed by resolution of the West Branch City Council.
- (b) The City Sexton shall assist other City officials with the enforcement and administration of this Ordinance.
- (c) The City Sexton shall have such duties and obligations with regard to City cemeteries as may be specified from time to time by the City Council.

Section 21. Fees

The City Treasurer shall have the authority to set fees pursuant to this Ordinance from time to time by resolution. Such fees can include, but are not limited to, a fee or fees for a burial permit, disinterment permit, grave opening, setting of foundations, grave closing, winter or holiday burial, the price for a new cemetery plot, transfer fees for cemetery plots, and other matters.

Section 22. Applicability of this Ordinance

- (a) This Ordinance shall apply only to cemeteries owned, controlled, or operated by the City.

- (b) The provisions of this Ordinance shall not apply to City officials, or their agents, or designees involved with the upgrading, maintenance, administration, or care of a City cemetery.
- (c) The provisions of this Ordinance shall not apply to police officers or firefighting officials or officers involved in carrying out their official duties.

Section 23. Interpretation/Appeals to the City Council

- (a) The City Council shall have the authority to render binding interpretations regarding any of the clauses, provisions, or regulations contained in this Ordinance and any rule or regulation adopted pursuant to this Ordinance, as well as their applicability. The City Council (or its designee) is also authorized to waive application of the strict letter of any provision of this Ordinance or any rules or regulations promulgated under this Ordinance where practical difficulties in carrying out the strict letter of this Ordinance or any rules or regulations related thereto would result in hardship to a particular person or persons or the public. Any such waiver, however, must be of such a character as it will not impair the purposes and intent of this Ordinance.
- (b) Any party aggrieved by any interpretation or decision made by the City Sexton or any City official, agent, or contractor pursuant to this Ordinance, as well as any matter relating to a City cemetery, rights to a cemetery plot, or other matter arising pursuant to this Ordinance, shall have the right to appeal that determination/decision or matter to the City Council. Any such appeal shall be in writing and shall be filed with the City within thirty (30) days of the date of the decision, determination, or other matter being appealed from. The City shall give the aggrieved party who filed the written appeal with the City at least ten (10) days' prior written notice of the meeting at which the City Council will address the matter unless an emergency is involved, in which case the City shall utilize reasonable efforts to notify the aggrieved party who filed the appeal of a special or emergency meeting of the City Council at which the matter will be addressed. Pursuant to any such appeal, the decision of the City Council shall be final.
- (c) The City Council may set a fee or fees for any such appeal from time to time by resolution.

Section 24. Authority of the City to Remove Unauthorized or Unlawful Items from a City Cemetery

Any monument, marker, planting, trellis, personal item, urn, flowers or foliage (whether real or artificial), structure, flag (except for lawful veterans flags), or other item that has been placed, installed, left, or maintained in any City cemetery in violation of this Ordinance, any City rule or regulation regarding City cemeteries, or any county, state, or federal law, statute, or regulation may be removed by the City from the City cemetery at any time and destroyed or disposed of by the City without any prior notice to, permission from, or liability, or obligation to the person or persons who left, installed, maintained, or kept such item in the City cemetery. No such item (including, but not limited to, a monument, marker, planting, trellis, personal item, urn, flowers or foliage, structure, flag, or similar item) can be installed, placed, maintained, or kept in a City cemetery unless expressly authorized by this Ordinance or a written rule or policy of the City. Even if such an item is authorized to be installed, kept, maintained, or left in a City cemetery, the City shall still have the discretion to remove any such item at any time and dispose of the same without prior notice to, consent from or liability to the person or persons who installed, maintained, or left such item in a City cemetery.

Section 25. Penalties

A violation of this Ordinance (or of any rule or regulation adopted pursuant to this Ordinance) constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any permit, or approval issued hereunder, or any

amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a violation of a municipal civil infraction for this ordinance shall be not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for the first offense and not less than two hundred dollars (\$200) nor more than five hundred (\$500) for subsequent offenses, in the discretion of the City Municipal Infraction Bureau or court, in addition to all other costs, damages, expenses, and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense. A violation of any permit or permit condition issued pursuant to this Ordinance shall also constitute a violation of this Ordinance.

Section 26. City Officials Who Can Enforce this Ordinance

Unless otherwise specified by the City Council by resolution, any officer of the law shall have the authority to enforce this Ordinance and to issue municipal civil infraction citations/tickets pursuant to this Ordinance:

Section 27. Severability

The provisions of this Ordinance are hereby declared to be severable and should any provision, section, or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section, or part thereof involved in such decision and shall not affect or invalidate the remainder of this Ordinance, which shall continue in full force and effect.

Section 28. Effective Date; Conflicts

This Ordinance shall become effective fifteen (15) days after enactment nor before publication thereof. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

* * * * *

MOTION BY BENNETT, SECOND BY JACKSON, TO APPROVE RESOLUTION 18-08

RESOLUTION #18-08

WHEREAS, Section 32.017 of the West Branch City Ordinance addresses the membership, appointments, and compensation of Planning Commission members, and

WHEREAS, subsection C of section 32.017 allows the appointed members of the Planning Commission to be compensated at a rate to be determined by the City Council, and

WHEREAS, the Planning Commission requested that the acting secretary of the board be paid an additional \$25 per meeting due to the amount of extra work required, and

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council hereby approves the secretary of the Planning Commission to be paid and additional \$25 per meeting more than the approved rate paid to Planning Commission members

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None Absent –None Motion carried

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MOTION BY SHOWALTER, SECOND BY JACKSON, TO APPROVE BILLS IN THE AMOUNT OF \$40,825.58

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None Absent –None Motion carried

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MOTION BY LAWRENCE, SECOND BY JACKSON, TO APPROVE THE UPDATED PLANNING COMMISSION BYLAWS.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None Absent –None Motion carried

*** * * * ***

MOTION BY LAWRENCE, SECOND BY JACKSON, TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268 SECTION 8a OF THE OPEN MEETINGS ACT.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None Absent –None Motion carried

At 6:41 pm Council went into closed session.

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MOTION BY LAWRENCE, SECOND BY JACKSON TO RETURN TO OPEN SESSION.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

At 7:14 pm Council returned from closed session.

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MOTION BY WEILER, SECOND BY BENNETT, TO APPROVE THE CITY MANAGER’S CONTRACT OPTION A.

Yes — Bennett, Jackson, Lawrence, Showalter, Tuttle, Weiler

No – Schaiberger

Absent –None

Motion carried

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MOTION BY LAWRENCE, SECOND BY SCHAIBERGER TO APPROVE THE AIRPORT APPROPRIATION REQUEST IN THE AMOUNT OF \$23,349.50

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

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City Attorney Gabrielle Dantzer addressed some questions after review of the DDA budget submission.

Joe Clark addressed Council on the DDA and answered some of the questions posed by Attorney Dantzer.

Peter Fabbri addressed Council on the DDA as well.

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MOTION BY SCHAIBERGER, SECOND BY JACKSON, TO APPROVE THE MINUTES AND SUMMARY FROM THE MEETING HELD MARCH 5, 2018.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

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MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO RECEIVE AND FILE THE TREASURER’S REPORT AND INVESTMENT SUMMARY; ADMINISTRATIVE BUDGET AMENDMENTS; THE MINUTES FROM THE PLANNING COMMISSION MEETING HELD FEBRUARY 27, 2018; THE

LIBRARY BOARD OF TRUSTEE MEETING HELD DECEMBER 4, 2017; AND THE FEBRUARY POLICE REPORT.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

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A brochure on the Surline PTO color run was shared and Leah Pauley addressed Council on the plans. Chief Walters confirmed approval of the color run route.

A thank you from Representative Moolenar was shared.

A flyer on the National Service Recognition Day was shared. It was the consensus of Council to do a social media post noting their support.

A website analytics update was shared.

A thank you from Governor Snyder was shared.

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MOTION BY LAWRENCE, SECOND BY JACKSON, TO APPOINT TIM SCHAIBERGER AS THE CITY REPRESENTATIVE TO THE EDC BOARD AND TO APPOINT CHIEF KEN WALTER AS THE ALTERNATE REPRESENTATIVE.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

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MOTION BY LAWRENCE, SECOND BY JACKSON, TO APPOINT EVELYN SCHENK TO THE PLANNING COMMISSION AS A REPRESENTATIVE OF THE HEALTH SEGMENT WITH A TERM TO EXPIRE ON 11/2/2020.

Yes — Bennett, Jackson, Lawrence, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

* * * * *

Member Showalter noted the Capital Conference coming up.

Member Bennett noted the upcoming St. Joseph Fish Fry that will be hosting 96.1 FM on Friday night. Member Bennett also noted the old Lapham building is coming down which will be good for the City.

Member Schaiberger noted a free concert that will be held at the Ogemaw Heights High School on April 13th from 6-9 to raise money for the West Branch/Rose City Music Boosters.

Member Showalter noted he would not be able to attend the next meeting on April 2nd due to being out of town.

MOTION BY SCHAIBERGER, SECOND BY LAWRENCE, TO EXCUSE MEMBER RUSTY SHOWALTER FROM THE CITY COUNCIL MEETING TO BE HELD ON APRIL 2, 2018.

Yes — Bennett, Jackson, Lawrence, Showalter, Tuttle, Weiler

No – Schaiberger

Absent –None

Motion carried

Mayor Lawrence gave an EMS meeting update, noted a recent Experimental Aircraft Association meeting honoring Lane Taber, reminded everyone of the upcoming Rising Tide meeting, noted a soil conservation meeting coming up, and noted the First United Methodist Church will be hosting an Easter ham giveaway.

Manager Grace noted a potential volunteer partnership program with the Faith Alive Church.

Manager Grace noted some changes to this year’s Fairview Rd and N. Valley Rds. project and noted they will be able to do some sidewalk and water service line repairs.

Manager Grace noted the City did receive some plans that will be submitted to the Planning Commission from McLaren Health institute to convert the old K-mart building into a health care center.

Chief Walters updated Council that he was able to obtain some used John Deere Gators that can be used for the City at no cost.

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Mayor Lawrence adjourned the meeting at 8:22 pm.

Denise Lawrence, Mayor

John Dantzer, Clerk