

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY, MAY 15, 2017.

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

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

Absent: None

Other officers present: City Manager Heather Grace, Treasurer/Clerk John Dantzer, Police Chief Ken Walters, and County Commissioner Bruce Reetz.

All stood for the Pledge of Allegiance.

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As an addition to the agenda, Manager Grace noted that the current banner policy approved only allows eight banners to be hung per year and that they have already had eight submitted but still have some organizations that would like to have banners hung but have not turned their applications in yet. She recommended removing the arbitrary number and allowing them to be approved administratively.

Denny Shumway spoke on behalf of the Kiwanis about their banner and how important it was for them to have it put up and asked Council to reconsider the current policy.

**MOTION BY SHOWALTER, SECOND BY LUCAS, TO CHANGE THE BANNER HANGING POLICY TO REMOVE THE LIMIT ON THE NUMBER ALLOWED PER YEAR AND HAVE THE APPLICATIONS APPROVED ADMINISTRATIVELY.**

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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As another addition to the agenda, Manager Grace shared a communication on a second stakeholders meeting for the Iron Belle Tr.

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As another addition to the agenda, County Commissioner Bruce Reetz updated Council on recent County meetings which included the approval of the EMS union contract, the appointment of a new DHS director, discussion on plans for 911, discussion of possible changes to a Health Department advisory board, that they were awarded a grant of \$53,416 for a GED program in the jail. He also noted that the

deer park will be reopening soon, that he attended a recent Edwards Township meeting, that he attended a recent West Branch Township meeting, and paid bills in the amount of \$121,672.00.

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Heather Neuhaus of the Chamber of Commerce submitted the West Branch calendar of events brochure for events happening from January – July to Council and updated them on the deadline to have events put in the August – December brochure.

Ms. Neuhaus also submitted plans for the Fourth of July parade and noted it would be at the same time and the same route as previous years.

**MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO APPROVE THE ROAD CLOSURE AND PARADE ROUTE AS SUBMITTED CONTINGENT UPON THE RECEIPT OF A SPECIAL EVENT PERMIT.**

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

Ms. Neuhaus also submitted plans for a circus that will be coming to town this summer.

Ms. Neuhaus also reminded everyone of the next business after hours.

Ms. Neuhaus also updated Council on the status of the fireworks and upcoming fundraising events for them.

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Vicki Seltz Barnes submitted a special event permit for the American Cancer Society Relay for Life parade. She noted that they did it last year and did not require a road closure because they would just be using one lane and would have a rolling escort from the City Police.

Ms. Seltz Barnes noted they would also like to have a balloon release at the event. She noted that she has already received authorization from the Airport manager.

**MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO APPROVE THE PARADE AS SUBMITTED AND TO ALLOW THE BALLOON RELEASE.**

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Robert and Michele Amor addressed Council about playing music in the park on a few Saturdays and Sundays for about an hour. They noted that they have their own sound system and electric and would not need the pavilion.

**MOTION BY SHOWALTER, SECOND BY LUCAS, TO ALLOW THE AMORS TO PLAY MUSIC IN THE PARK AS SUBMITTED CONTINGENT UPON THE RECEIPT OF A SPECIAL EVENT PERMIT.**

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Council went over bids for the mowing of City lots that are in violation of the lawn ordinance. Manager Grace noted that they did only receive one bid and that it was significantly higher than in previous years.

There was discussion held on possibly reposting the notice to bid to see if they could get a lower bid.

**MOTION BY LAWRENCE, SECOND BY BENNETT, TO AWARD THE 2017 LAWN MOWING FOR CITY LOTS TO G& H LAWNCARE AT \$80 PER LOT CONTINGENT UPON RECIEPT OF UPDATED LIABILITY INSURANCE.**

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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**MOTION BY SHOWALTER, SECOND BY BENNETT, TO PAY THE BILLS IN THE AMOUNT OF \$289,382.30**

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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A communication was shared on the Optimist International Youth Appreciation Day.

**MOTION BY SHOWALTER, SECOND BY WEILER, TO APPROVE PROCLAMATION 17-05**

*Proclamation #17-05*

WHEREAS, each year Optimist clubs from around the world take time to recognize youth in the community who contribute to a better life for all, and

WHEREAS, the West Branch Optimist Club has a proud tradition of selecting the best and brightest young people of the West Branch area to receive this prestigious award, and

WHEREAS, Thursday, May 18, 2017, the West Branch Optimist Club will bestow a formal recognition of appreciation of the following listed youth:

- |                              |                          |
|------------------------------|--------------------------|
| <i>Justin Alley</i>          | <i>Emily Hines</i>       |
| <i>Nicole Balser</i>         | <i>Chloe Jones</i>       |
| <i>Emma Beehler</i>          | <i>Courtney Jones</i>    |
| <i>Cori Bertossi</i>         | <i>Hunter Likavec</i>    |
| <i>Triniti Bertossi</i>      | <i>Kirsten Neubecker</i> |
| <i>Conner Biermann</i>       | <i>Bryn Oakes</i>        |
| <i>Christopher Christian</i> | <i>Savannah Oswald</i>   |
| <i>Jorja Fox</i>             | <i>Morgan Rachow</i>     |
| <i>Derek Franciosi</i>       | <i>Reese Rau</i>         |
| <i>Mallory Franciosi</i>     | <i>Amber VanGoethem</i>  |
| <i>Elizabeth Good</i>        | <i>Ethan Wood</i>        |
| <i>Morgan Green</i>          |                          |

NOW, THEREFORE, BE IT PROCLAIMED, that May 18, 2017 is Optimist International Youth Appreciation Day in the City of West Branch and that day shall be dedicated to these fine youth who represent our community with pride and dignity, 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 the names of the finest youngsters of 2017.

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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The 2017-2018 finalized budget was submitted to Council.

**MOTION BY SCHAIBERGER, SECOND BY LAWRENCE, TO APPROVE 17-08 AND FORMALLY ADOPT THE 2017-2018 BUDGET.**

**RESOLUTION #17-08**

WHEREAS, the City Charter of the City of West Branch states that “the Council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution, appropriate the money required for such budget and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes.”

NOW, THEREFORE, BE IT RESOLVED that the budget for the City fiscal year beginning July 1, 2017 as recommended by the City Manager and as adopted by the City Council, as described in the summary as follows:

	<b>REVENUES</b>	<b>EXPENDITURES</b>
<b>GENERAL FUND</b>	<b>1,640,451</b>	<b>1,698,113</b>

be and the same is hereby adopted, and the amount therein provided as recommended; appropriations are hereby appropriated according to the departmental total, and

BE IT FURTHER RESOLVED, that in order to carry out the provisions of the above described budget, the current tax rate shall be applied to the completed assessment roll taxable valuation of sixty-seven million four hundred five thousand five hundred thirty three dollars (\$67,405,533) as required by Michigan Constitution.

**TOTAL CITY TAX LEVY FOR GENERAL FUND PURPOSES**

July 1, 2017 14.546 per \$1,000.00 of Taxable Value for General Operating, and tax levy of 2.9105 per \$1,000.00 for Refuse Collection

**CITY TAX LEVY FOR THE DDA DISTRICT ONLY**

July 1, 2017 1.9573 per \$1,000.00 of Taxable Value levied on the property in the DDA District and,

BE IT FURTHER RESOLVED, to adopt the following budgets:

**INDEPENDENT REVENUE FUNDS**

<u>Fund Name</u>	<u>Revenues</u>	
<u>Expenditures</u>		
Cemetery Perpetual Care Fund	550	0

Major Street	448,328	440,194
Local Street	139,591	96,369
Cemetery	38,393	37,958
DDA Operating Fund	56,475	55,100
Industrial Park Fund	36	10,774
Housing Resource Fund	57,916	95,010
Sewer Debt Fund	349,800	278,043
Water Debt Fund	82,899	44,115
Collection Replacement	14	2,147
Plant Replacement Fund	14,634	12,255
Sewer Fund	578,450	569,180
Water Fund	218,420	302,670
Water Replacement Fund	22,675	0
Sewer Collection	74,700	59,667
Equipment Fund	180,332	363,887

and,

**BE IT FURTHER RESOLVED** that the City Manager is allowed to exceed any line item or department summation within any specific department or fund including both revenues and expenditures providing that the total end of the year expenditures for any fund does not exceed the original appropriation. A council resolution is required to appropriate additional amounts to any expenditure fund total; however, no resolution is required to exceed any revenue fund total.

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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**MOTION BY SHOWALTER, SECOND BY LUCAS, TO APPROVE RESOLUTION 17-09**

**RESOLUTION #17-09**

**WHEREAS, 2011 Public Act 152 (the “Act”) was passed by the State Legislature and signed by the Governor on September 24, 2011;**

**WHEREAS, the Act contains three options for complying with the requirements of the Act;**

**WHEREAS, the three options are as follows:**

- 1) Section 3 – “Hard Caps” Option – limits a public employer’s total annual health care costs for employees based on coverage levels, as defined in the Act;**

- 2) Section 4 – “80%/20% Option – limits a public employer’s share of total annual health care costs to not more than 80%. This option required an annual majority vote of the governing body;
- 3) Section 8 – “Exemption” Option – a local unit of government, as defined in the Act, may exempt itself from the requirement of the Act by an annual 2/3 vote of the governing body;

WHEREAS, the West Branch City Council has decided to adopt the annual “Exemption” option as its choice of compliance under the Act;

NOW, THEREFORE, BE IT RESOLVED, the Council of the City of West Branch elects to comply with the requirements of 2011 Public Act 152, the Publicly Funded Health Insurance Contribution Act, by adopting the annual “Exemption” option for the medical benefit plan coverage year July 1, 2017 through June 30, 2018

Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler

No – None

Absent –None

Motion carried

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MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO APPROVE RESOLUTION 17-10

**RESOLUTION #17-10**

WHEREAS, the West Branch City Council in §51.095 and §52.39 of the City of West Branch Code of Ordinances have determined that water/sewer charges constitute a lien on the property, and

WHEREAS, §92.17 of the Code of Ordinances states that the charges for mowing noxious weeds shall be a lien against the premises,

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council hereby acknowledges the following liens and authorizes the Clerk to place these charges on the 2017 tax roll:

<b>Water/Sewer Charges</b>			
214 Court St.	\$317.81	308 W. Houghton	\$109.91
<b>Mowing</b>			
335 S. First St .	\$50.00	279 N. Burgess St	\$127.00
141 Alto Ct.	\$128.00	170 N. Third St	\$256.00
224 Court St	\$256.00	116 S. Seventh St	\$128.00
320 S. Fourth St	\$383.00	404 W. Houghton	\$894.00
128 Hall St	\$127.00		

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Manager Grace noted that there has been a recent dispute over the noise ordinance and that there are currently two separate ordinances in effect, 153.04 and 95.2. Manager Grace noted that they both are concurrently in affect and applicable. Manager Grace noted her recommendation if Council wanted to look at making changes would be to hold a public hearing and invite the public as well as the individuals that are involved in the current dispute. Manager Grace further noted that the main issue was the use of an amplifier for music after 8:00 pm.

Member Schaiberger noted that as a former member of the Planning Commission, they always used 11:00 pm as the cutoff for noise issues not 8:00 pm. In his opinion, 8:00 is too early.

Member Weiler noted that he has talked with the Chief of Police and several residents in the area where the complaint came from and agreed that 8:00 is too early and that it is not even dark at that time.

Chief Walters noted that ordinance 95.2 nearly mirrors the County ordinance and that it is typically what they have used for enforcement. He noted that he thought it was a little confusing with the two ordinances because it mentions different time for noise curfews and that it may need just a little clarification.

Member Bennett noted that this is a tough issue because kids are going to bed to get ready for school.

Member Showalter noted that whether it is dark or not, it has no effect on what time children are going to bed to get ready for school. He also noted that in his opinion both ordinances covered different things and that by repealing one would omit some issues that need to be addressed.

Chief Walters noted he would not like to just see one of the ordinances repealed but to combine both of them into one modified ordinance.

Member Showalter agreed that he would be in favor of combining the two ordinances into one new updated ordinance. He also noted that there is an issue with the way it currently is if it is confusing to the police department. He also noted that he believed 8:00 was too early of a noise curfew.

Member Weiler noted his support to combine the two ordinances into one.

Member Schaiberger noted his support to combine the two ordinances into one as well.



Member Tuttle noted his support to combine the ordinance but that he would be in favor of looking at different noise curfew times because 8:00 pm seemed too early but 11:00 seemed too late.

Manager Grace agreed that she thought it would be a good idea to eliminate any overlap that is causing confusion but she would need some guidance on what Council would like to see in the new ordinance.

Member Showalter noted that they could set different time curfews for different types of noises.

Chief Walters noted that the updated ordinance would have to be careful in the way it is written to monitor noise because they do not have expensive equipment to monitor noise decibel levels.

Manager Grace noted that typically most ordinances will address noises heard at a specific distance away and can be recorded on a device such as a cell phone.

Manager Grace asked if Council would like to have a survey as well as the public hearing but noted there is no way to limit it to City Residents if a survey is sent out.

**MOTION BY LAWRENCE, SECOND BY WEILER, TO HOLD A PUBLIC HEARING ON THE NOISE ORDINANCE BUT NOT SEND OUT A SURVEY ON THE ISSUE.**

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Manager Grace noted that part of the Redevelopment Ready Communities program was to have more joint meetings with other boards and asked about the possibility of rescheduling the June 19 meeting to June 27 as a joint meeting with the Planning Commission.

**MOTION BY SCHAIBERGER, SECOND BY LAWRENCE, TO RESCHEDULE THE JUNE 19<sup>TH</sup> MEETING TO JUNE 27<sup>TH</sup> AS A JOINT MEETING WITH THE PLANNING COMMISSION.**

**Yes – Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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**MOTION BY SCHAIBERGER, SECOND BY LAWRENCE, TO APPROVE THE MINUTES AND SUMMARY FROM THE SPECIAL MEETING HELD MAY 10, 2017.**

**Yes – Bennett, Lawrence, Lucas, 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 AS WELL AS THE APRIL POLICE DEPARTMENT REPORT AND THE MINUTES FROM THE PLANNING COMMISSION MEETING HELD APRIL 11, 2017**

**Yes — Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler**

**No – None**

**Absent –None**

**Motion carried**

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Communications from Charter Cable were shared on lineup changes.

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Mayor Lawrence reminded everyone about the Fabulous Fridays meetings on Wednesday mornings and the Recreation Board meeting coming up.

Mayor Lawrence noted that she received word that the Miss Victorian program will not be having a pageant this year due to low numbers.

Mayor Lawrence noted that the Special Olympics will be having bocce ball in the park.

Mayor Lawrence asked about the fountain and it was noted that the fountain is up and running.

Member Showalter noted that the Ogemaw Hills Parks and Recreation has the Frisbee golf course open as well as the bathrooms at the softball and baseballs fields and is working on opening up an indoor archery complex. He also noted they may look into adding another ball field.

Member Bennett apologized for missing the last meeting and went over the Special Olympics bocce ball at Irons Park in more detail.

Manager Grace shared a magazine article that featured the Wastewater Treatment Plant members receiving their Wastewater Utility of the Year award.

Manager Grace noted that Superintendent Robb is doing a great job as the new operator in charge of the City's water services.

Manager Grace noted that the lane changes on the business loop on the east end of town have been implemented.

Manager Grace noted that she would be meeting with Heather Neuhaus of the Chamber of Commerce on the fireworks plan soon.

Manager Grace commended Chief Walters and his staff for holding a bike safety program at the school.

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Denny Shumway addressed Council and noted that the Kiwanis are making plans to put their US flags out again and would like to include fallen firefighter and fallen police officer flag this year if he could get help in finding where to get them.

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Chief Walters thanked Council for choosing the health insurance opt out which is a great benefit for workers.

Chief Walters noted that they recently hosted a blood drive at the police department.

Chief Walters noted that both him and Office Godfrey recently attended trainings in Indiana dealing with electronics and data media stuff.

Chief Walters noted that he is the representative for the City on the 911 advisory board and provided an update which included their recommendation from the Board to the County to fund 911 for one more year and then have 911 seek to become their own authority similar to EMS. Once that is complete, 911 could then go on the ballot and request a millage to cover their costs.

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Mayor Lawrence adjourned the meeting at 7:33 pm.

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Denise Lawrence, Mayor

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John Dantzer, Clerk