

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY, MAY 21, 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: Treasurer/Clerk John Dantzer, County Commissioner Bruce Reetz, DPW Superintendent Mike Killackey, DDA Chairperson Samantha Fabbri, Planning Chairperson Bob David, and Police Chief Ken Walters.

All stood for the Pledge of Allegiance.

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Heather Neuhaus of the Chamber of Commerce presented plans and special event permits for the 4th of July parade, downtown pole decorating, and Christmas Light Parade.

MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO APPROVE THE SPECIAL EVENT PERMITS AS SUBMITTED BY THE CHAMBER OF COMMERCE.

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

No – None

Absent –None

Motion carried

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As an addition to the agenda, County Commissioner Bruce Reetz gave a County update.

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Grange Bell, on behalf of the downtown merchants, addressed Council about hosting a rodeo downtown this summer. He noted that they would like to have a road closure from 3:30 to 11:00 pm

MOTION BY SCHAIBERGER, SECOND BY TUTTLE, TO APPROVE THE REQUEST FOR THE DOWNTOWN RODEO AS REQUESTED CONTINGENT UPON COMPLETION OF A SPECIAL EVENT PERMIT AND MDOT APPROVAL OF THE ROAD CLOSURE.

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

No – None

Absent –None

Motion carried

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Mayor Lawrence submitted a request on behalf of Mark White of the Iron Bandogs Law Enforcement Motorcycle Club to sponsor an Ogemaw County charity bike night every Monday, June 4- Aug. 27 from 6:00-9:00 pm and requested to have the parking spots blocked off from S. Third to S. Fourth St.

Ken Earle of Loggers Depot spoke on his approval for the event.

Chief Walters asked if the City provided the cones to block off the parking spots, would the club be responsible for putting them out and taking them back down after the event. Jason Stroebel of Loggers Depot noted he would be responsible.

MOTION BY SCHAIBERGER, SECOND BY TUTTLE, TO APPROVE THE REQUEST AS PRESENTED AND ALLOW FOR THE PARKING FROM S. THIRD TO S. FOURTH TO BE BLOCKED OFF FOR THE EVENT.

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

No – None

Absent –None

Motion carried

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MOTION BY SCHAIBERGER, SECOND BY JACKSON, TO APPROVE THE ENACTMENT OF ORDINANCE 18-02.

ORDINANCE 18-02

AN ORDINANCE TO AMEND SECTION 7.15(C) OF THE CITY OF WEST BRANCH PLANNING CODE ENTITLED: "PLANNED UNIT DEVELOPMENT (PUD)."

THE CITY OF WEST BRANCH ORDAINS:

c. **DENSITY AND PARCEL COVERAGE.** Minimum requirements set forth by the original district in which the proposed PUD is located shall act as general guideline for the lot and yard regulations. To encourage flexibility and creativity consistent with the intent of PUD regulations, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots and minimum dwelling unit size as a part of the approval process. Any regulatory modification shall be approved through a finding by the City Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning methods.

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

No – Bennett

Absent –None

Motion carried

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MOTION BY SHOWALTER, SECOND BY WEILER, TO APPROVE BILLS IN THE AMOUNT OF \$295,745.12

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

No – None

Absent –None

Motion carried

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MOTION BY BENNETT, SECOND BY WEILER, TO APPROVE RESOLUTION 18-10

RESOLUTION #18-10

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, 2018 as recommended by the City Manager and as adopted by the City Council, as described in the summary as follows:

	REVENUES	EXPENDITURES
GENERAL FUND	1,729,417	1,638,808

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, 2018 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, 2018 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	1,165	10
Major Street	538,028	666,987
Local Street	99,411	74,997

Cemetery	40,602	33,410
DDA Operating Fund	55,150	54,565
Industrial Park Fund	1,656	6,830
Housing Resource Fund	23,337	64,627
Sewer Debt Fund	354,595	289,934
Water Debt Fund	85,190	83,500
Collection Replacement	30	2,147
Plant Replacement Fund	12,901	12,901
Sewer Fund	612,500	608,030
Water Fund	370,590	340,696
Water Replacement Fund	18,386	0
Sewer Collection	74,118	67,181
Equipment Fund	197,988	241,203

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, Jackson, Lawrence, Schaiberger, Tuttle, Weiler

No – Showalter

Absent –None

Motion carried

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Letters of resignation were submitted by Member Showalter for the DDA, WWTPA, and Ogemaw Hills Recreation Board.

MOTION BY SCHAIBERGER, SECOND BY WEILER, TO ACCEPT WITH REGRET THE RESIGNATION OF MEMBER SHOWALTER FROM THE DDA, WWTPA, AND OGEMAW HILLS RECREATION BOARDS.

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 APPROVE RESOLUTION 18-11

RESOLUTION #18-11

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 2018 tax roll:

Water/Sewer Charges

313 S. Burgess St.	\$54.90	203 S. Second St.	\$1,802.96
317 N. Sixth St.	\$109.49	400 State St.	\$9.59
347 N. Third St	\$370.37	798 Victory St.	\$102.59
607 W. Wright St	\$254.67	208 S. Third St.	\$3,913.93
331 S. Third St.	\$154.70	246 N. First St.	\$204.43
214 Court St	\$317.81	376 State St.	\$218.65
308 W. Houghton Ave	\$109.91	110 Sidney St.	\$140.67

Mowing

347 N. Third St.	\$540.00	Lot 13 West Branch Dr.	\$22.50
404 W. Houghton Ave.	\$540.00		

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

No – None

Absent –None

Motion carried

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MOTION BY SHOWALTER, SECOND BY BENNETT, TO APPROVE RESOLUTION 18-12

RESOLUTION #18-12

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, 2018 through June 30, 2019

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

No – None

Absent –None

Motion carried

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A recommendation was submitted from DDA to remove Dora Zapczynski from the DDA due to a lack of attendance

MOTION BY SCHAIBERGER, SECOND BY JACKSON, TO APPROVE THE REMOVAL OF DORA ZAPCZYNSKI FROM THE DDA BOARD.

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 APPROVE THE MINUTES AND SUMMARY FROM THE MEETING HELD MAY 7, 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 9865, 9866, 9867; THE MINUTES FROM THE AIRPORT BOARD MEETING HELD APRIL 18, 2018; AND THE APRIL POLICE REPORT.

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

No – None

Absent –None

Motion carried

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A communication from Consumers Energy was shared.

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Member Tuttle addressed concerns with the flower pots downtown.

Member Jackson presented updates on the Airport Board meetings.

Member Bennett submitted questions on the road right of way. Sandy Rabidue asked questions on the road right of way as well for the DDA flower plantings.

Member Schaiberger noted pot holes throughout town that needed to be repaired, especially on the south side of town.

Member Schaiberger also commented on the discussion at the State level to increase the weight allowed for trucks.

Chief Walters updated Council on the police negotiations.

Superintendent Killackey updated Council on the sidewalk repair on Houghton Ave. and that the apartments on State St. have begun to be torn down.

Mayor Lawrence presented an update on the recent Rising Tide meeting and encouraged Council to attend the upcoming meetings.

Clerk/Treasurer reminded Council that the first meeting in June would be a joint meeting with the Planning Commission and the DDA.

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Samantha Fabbri submitted paperwork and the invoice for the downtown rodeo.

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Mayor Lawrence adjourned the meeting at 6:32 pm.

Denise Lawrence, Mayor

John Dantzer, Clerk