

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY, NOVEMBER 6, 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.

All stood for the Pledge of Allegiance.

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As an addition to the agenda, Jeff Loomis of Huron National Bank introduced himself and gave Council a brief summary of the history and focus of the bank.

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Korey Kripili of the West Branch Rec Center submitted a special event permit to hold a Turkey Trot on Thanksgiving morning.

Manager Grace went over safety concerns and Chief Walters went over his concerns as well.

MOTION BY SHOWALTER, SECOND BY LAWRENCE TO APPROVE THE SPECIAL EVENT PERMIT AS PRESENTED BY THE WEST BRANCH REC CENTER CONTINGENT UPON DISCUSSION AND APPROVAL OF THE PLAN WITH CHIEF WALTERS.

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

No – None

Absent –None

Motion carried

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Jason Stroebel, on behalf of the DDA, updated Council on the most recent DDA meeting which included discussion on signs in the downtown windows, purchasing benches for downtown, having one joint meeting with the Planning Commission every quarter, changing the date of the December meeting, getting bids on a ramp for the parking lot off of N. Third St., and looking at the resurfacing of parking lots.

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MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO APPROVE BILLS IN THE AMOUNT OF \$313,536.35.

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

No – None

Absent –None

Motion carried

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Manager Grace introduced resolutions to repeal the current Planning Commission ordinance and replace it with a new one that would be in line with current State law.

Members Schaiberger and Bennett asked if the current Planning Commission was made aware of the changes and noted their concern that the current Board members were able to still continue on the Board. Manager Grace noted as long as they all fit into the current City representative segments that were submitted by Council and are noted in the ordinance then they could be all reappointed but that they would need to fill out an application for reapproval.

MOTION BY SHOWALTER, SECOND BY LUCAS, TO INTRODUCE RESOLUTION 17-03

MEMBER SHOWALTER AMENDED HIS MOTION TO INTRODUCE RESOLUTION 17-03 AND 17-04, SECOND BY SCHAIBERGER

ORDINANCE 17-03

AN ORDINANCE TO REPEAL SECTIONS 32.015, 32.016, 32.017, 32.018, 32.019, 32.020, 32.021, 32.022, 32.023, 32.024, 32.025, 32.026, 32.027, 32.028, 32.029, & 32.030 OF THE CITY OF WEST BRANCH CODE OF ORDINANCES.

THE CITY OF WEST BRANCH ORDAINS:

Sections §§ 32.015, 32.016, 32.017, 32.018, 32.019, 32.020, 32.021, 32.022, 32.023, 32.024, 32.025, 32.026, 32.027, 32.028, 32.029, and 32.030 of Chapter 32 entitled "DEPARTMENTS, COMMISSIONS AND BOARDS" are hereby repealed.

ORDINANCE 17-04

AN ORDINANCE TO AMEND CHAPTER 32 OF THE CITY OF WEST BRANCH CODE OF ORDINANCES ENTITLED: "DEPARTMENTS, COMMISSIONS AND BOARDS."

THE CITY OF WEST BRANCH ORDAINS:

§32.031 - Creation/Establishment; powers and duties.

There shall be a City of West Branch Planning Commission as contemplated in Section 4.20 of the City Charter, and also pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 et. seq., hereinafter referred to as the Commission with the powers

and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the "City of West Branch Planning Commission Ordinance." Thus, the City of West Branch Planning Commission is hereby established in and for the City of West Branch such that it shall have all the powers and duties authorized and directed by the City Charter and by the Michigan Planning Enabling Act 33 of 2008, as amended (MCL 125.3801 *et seq.*), as well all the powers and duties authorized and directed by the Michigan Zoning Enabling Act 110 of 2006, as amended (MCL 125.3101, *et. seq.*).

§ 32.032 - Composition;Membership.

(A) Membership of the planning commission shall be as set forth in the City Charter, and as required pursuant to the Michigan Planning Enabling Act 33 of 2008- with the caveat that the provision in § 4.20 of the City Charter indicating that the City Manager shall serve as a member of the City Planning Commission is hereby found to be invalid by operation of law, due to the interpretation that the City Manager ' s simultaneous service as the both a City Planning Commissioner and the City's Zoning Administrator is prohibited by the Incompatible Public Offices Act, 1978 PA 566, MCL 15.181, *et seq.*

(B) The Commission shall consist of a total of nine members, each of whom must be individually appointed by the Mayor and subject to approval by a majority vote of the members of the City Council.

(C) The membership of the Commission shall consist of qualified electors of the City of West Branch, except that no greater than two Commission members may be individuals who are not qualified electors of the City of West Branch but are qualified electors of another local unit of government

(D) Commission members shall not hold any elected office or employment with the City of West Branch, unless such member is an *ex-officio member* as contemplated in section (E) below.

(E) The Commission may have up to three *ex-officio members*, consisting of the following individuals: at least one, but up to two, representative members of the West Branch City Council; the Mayor of the City of West Branch, if the Mayor so desires (note that the Mayor may choose to serve on the Commission either in addition to, or in place of, one of the two representative members of the West Branch City Council-provided that the total number of *ex officio* members never exceeds 1/3 of the total membership of the Commission).

(F) *Ex-Officio* members shall have the same rights, duties, powers, and responsibilities as non--*ex-officio* members- with the only difference being that the term of service for *ex-officio* members shall be the length of their corresponding term of office, as opposed to the three-year terms of office that shall generally apply to all other *non-ex-officio* Commission members.

(G) After an individual's appointment and before reappointment, each Commission member shall attend training for Commission members, pursuant to Section 32.034 of this Ordinance.

(H) Members shall be appointed for three-year terms. However, when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of 1/3 of all Commission members will expire each year. If a vacancy occurs,

the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of 1/3 of all commission members continue to expire each year.

(I) The membership of this Commission shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the City of West Branch, in accordance with the major interests as they exist in the City of West Branch, as follows:

1. one member representing the "Recreation" segment of the community;
2. one member representing the "Education" segment of the community;
3. one members representing the "Public Health" segment of the community;
4. two members representing the "Government" segment of the community;
5. one member representing the "Transportation" segment of the community;
6. one member representing the "Industry" segment of the community;
7. one member representing the "Commerce" segment of the community; and
8. one member representing the "Residential" segment of the community; for a total of nine members in all.

(J) When appointing members to this Commission, the Mayor and City Council shall attempt, whenever possible, to make the membership of this Commission proportionally representative of the important geographic and interest segments of the City of West Branch, which may consist of, for example, the various different types of zoned districts in the community.

(K) The membership of this Commission shall also be, to the extent practicable, representative of the entire geography of the City of West Branch, as a secondary consideration to the representation considerations set forth in sections 32.032(1) and (K) of this Ordinance.

(L) Commission members are required to meet the conditions provided for each individual member throughout Section 32.032 of this Ordinance, except that the geographical location considerations described in § 32.032(K) of this Ordinance may be considered optional. As such, the representation requirements and considerations set forth in this Ordinance shall be considered by Council in the following order of priority: first, § 32.032(1); second, § 32.032(J), and third, § 32.032(K).

(M) Neither the Mayor nor a representative member from the City Council shall serve as the chair of the Commission.

§ 32.033 - Liaisons.

(A) The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain City of West Branch and Downtown Development Authority officials the ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At a minimum liaisons shall include:

1. City of West Branch staff involved in the planning and zoning process, including the City Zoning Administrator, as well as all Deputy Zoning Administrators.
2. The City Manager.
3. The City Attorney.

Liaisons may also include:

4. A representative from the City of West Branch Downtown Development Authority.
5. A representative from the City of West Branch Zoning Board of Appeals.

§ 32.034 - Training.

(A) Appointed members of the Commission shall be required to attend educational programs designed for training members of Michigan planning commissions if the adopted City of West Branch budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall prohibit a member who has not had training from finishing his term of office unless the member resigns or is removed by action of the City Council. However, the member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The Commission shall include in its Bylaws what training programs qualify to meet this requirement.

§ 32.035- Members, Appointment and Terms.

(A) In September of each year, the Clerk for the City of West Branch shall determine which members' terms of office expire during that fiscal year, and shall determine what organizations qualify to nominate members and shall contact, by first class mail, those organizations to solicit nominations.

(B) In October of each year, if the City Clerk has not received at least two nominations for each office, then the Clerk shall discard those applications shall place an advertisement in the newspaper or similar publication with circulation within the City of West Branch, as well as place an advertisement on the City website, informing the public of opening on the Commission and seeking additional applications.

(C) In November of each year, the City Council shall consider the applications and nominations received, and the Mayor shall make appointments to the Commission which must be confirmed by a majority vote of the City Council, for three year terms of office which shall end on November 30, at 9:00 a.m. of the respective year.

§ 32.036 - Removal from Office.

(A) The City Council may remove a member of the Commission for misfeasance, malfeasance,

of nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to attend Commission meetings as required by the City Charter shall be considered nonfeasance in office, i.e., missing three meetings in a row or missing 25% or more of all meetings within a given fiscal year shall be considered nonfeasance in office.

(B) It shall be the duty of the Secretary of the Commission to track attendance of Commission members and also to file a written report with the City Clerk and the City Council anytime a Commission member misses three regular meetings in a row or misses 25% or more of meetings within a given fiscal year.

§ 32.037 - Membership; Vacancies.

(A) The Mayor and City Council shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

§ 32.038 - Membership; Transition.

(A) The transition from the previous City of West Branch Planning Commission and the Commission established in this Ordinance shall take place as soon as practicable following the effective date of this Ordinance. The Mayor and the City Council shall appoint all members of the Commission as specified in Section 32.032(B) of this Ordinance in the first instance at the first City Council meeting held following the effective date of this Ordinance. The terms of office of the previous Planning Commission members shall terminate upon appointment of new members as specified here.

(B) All other aspects of this Ordinance shall have immediate effect.

§ 32.039 - Membership; Compensation.

(A) All members of the Commission shall serve as such with compensation equal to the amount of twenty-five dollars per meeting. Mileage and travel expenses shall only be paid in the event of attendance at a training event, in which case the twenty-five dollar per diem payment is not paid.

§ 32.040 - Meetings.

(A) The Commission shall meet at least once every month and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission (note that attendance of *ex officio* members does count towards the existence or non-existence of a quorum).

(B) The affirmative vote of 2/3 of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or

recommendation for adoption, of any plan or amendment to a plan.

§ 32.041 - Powers and Duties.

(A) The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*).

(B) Should the Board of Commissioners of Ogemaw County of Ogemaw so choose, the Commission shall be designated as a metropolitan county planning commission, pursuant to section 37(1) of P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3837(1); in which case the Planning Commission shall serve as a coordinating agency for all planning committees or commissions that are now or may be within the County of Ogemaw.

(C) The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts; provided that permission to submit grant applications has first been received by either the City Manager or the West Branch City Council.

§ 32.042 - Staff.

(A) The City of West Branch may employ a planning director and other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by the West Branch City Council. This authority shall be delegated to the City Manager. The appointment of employees is subject to the same provisions of law as govern other corresponding civil employees of the local unit of government.

(B) The appointment of a planning director and/or other such employees shall be subject to the same hiring policies, provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of the City of West Branch.

(C) Should the City Manager so desire, the City Manager may appoint a current City employee to serve part-time in the role of planning director, on top of their other duties, provided that said employee is duly compensated for their services as planning director.

(D) Employees that are assigned to work with the Commission shall follow the directives of the Commission in matters of planning and zoning public policy issues, but shall not be subject to Commission directives concerning employment provisions of law, employment policies, employment roster, employee or union contracts, if any.

§ 32.043 - Meetings; Records.

(A) The Commission shall adopt Bylaws for the transaction of business and the Secretary of the

Commission shall keep a records of its resolutions, transactions, findings, and determinations, which records shall be a public record. The Commission shall hold not less than four regular meetings each year, and by resolution shall determine the time and place of meetings. The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, MCL 15.261 to 15.275.

§ 32.044 - Approval, Ratification, and Reconfirmation.

(A) All official actions taken by all City of West Branch Planning Commissions preceding the Commission created by the ordinance are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created by this Ordinance, and shall be deemed a continuation of any previous City of West Branch Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

§ 32.045 - Officers.

(A) The Planning Commission shall elect its Chairperson and Secretary from among the appointed members and shall establish and fill such other of its offices as it may determine.

(B) The term of each officer shall be one year with eligibility for re-election as set forth in the Planning Commission bylaws.

(D) It shall be the duty of the Chairperson to lead all Commission meetings. It shall be the duty of the Secretary to record minutes for the Commission and provide them to the City Clerk in a timely matter compliant with the Michigan Open Meetings Act, as amended. It shall also be the duty of the Secretary to ensure compliance with Michigan's Freedom of Information Act in relation to any requests for minutes of the Commission.

(E) Neither the Chairperson nor the Secretary of the Commission shall be entitled to additional pay, other than the standard twenty-five dollar per meeting payment, absent a resolution of City Council authorizing such additional payment and establishing the amount of any such additional payment.

§ 32.046 - Rules; records

The Commission shall adopt bylaws for the transaction of business in conformity with Act 33 of the Public Acts of 2008, as amended (M.C.L.A. 125.3801 et seq.) and the Commission Secretary shall keep a public record of its resolutions, transactions, findings and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, MCL 15.231 to 15.246.

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

No – None

Absent –None

Motion carried

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Manager Grace went over current State issues involving unfunded OPEB and pension funds. She noted that currently the City has enough money set aside in a committed fund for its OPEB liability but that according to the State it is 0% funded because it is not set up in a certified trust. She recommended opening a trust account with MERS that would allow the City to put those committed funds into it and by doing that would show the City as 100% funded.

MOTION BY BENNETT, SECOND BY SCHAIBERGER, TO APPROVE RESOLUTION 17-18 AND CHOOSE THE MERS DIVERSIFIED BOND PORTFOLIO AS THE INITIAL INVESTMENT FUND.

RESOLUTION 17-18

WHEREAS, the Municipal Employees' Retirement System ("MERS") Plan Document of 1996, effective October 1, 1996, authorized the Municipal Employees' Retirement Board ("Board") to establish additional programs including but not limited to Defined Benefit and Defined Contribution programs (MERS Plan Document Section 71(2)(a)); and the Municipal Employees Retirement Act of 1984, Section 36(2)(a) as amended by 1996 PA 220, MCL 38.1536(2)(a);

WHEREAS, the Board has previously authorized MERS establishment of a retiree health funding vehicle ("RHFV" or "Program"), which a participating municipality or court, or another eligible public employer that is a political subdivision of the State which constitutes a "municipality" under MERS Plan Document Section 2(23); MCL 38.1502b(2) ("Eligible Employer"), may adopt for its Eligible Employees;

WHEREAS, MERS has been determined by the Internal Revenue Service to be a tax qualified "governmental plan" and trust under Section 401(a) of the Internal Revenue Code of 1986, and all trust assets within MERS reserves are therefore exempt from taxation under Code Section 501(a) (IRS Letter of Favorable Determination dated June 15, 2005).

WHEREAS, the Board has established a governmental trust under Section 115 of the Internal Revenue Code (the "Trust Fund") to hold the assets of the RHFV, which Trust Fund shall be administered under the discretion of the Board as fiduciary, directly by (or through a combination of) MERS or MERS duly-appointed Program Administrator;

WHEREAS, 1999 PA 149, the Public Employee Health Care Fund Investment Act, MCL 38.1211 et seq. ("PA 149") provides for the creation by a public corporation of a public employee health care fund, and its administration, investment, and management, in order to accumulate funds to provide for the funding of health benefits for retirees and beneficiaries;

WHEREAS, a MERS health care trust fund constitutes a governmental trust established by a public corporation ("municipality") as an Eligible Employer, provided that all such employers shall be the State of Michigan, its political subdivisions, and any public entity the income of which is excluded from gross income under Section 115 of the Internal Revenue Code; provided

further, that the health care trust shall not accept assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code;

WHEREAS, the Board acts as investment fiduciary for the pooled assets of each MERS participating municipality and court enrolled in MERS Defined Benefit Plan, Defined Contribution Plan, and Hybrid Plan, on whose behalf MERS performs all plan administration and investment functions, and such participating municipalities and courts have full membership, representation and voting rights at the MERS Annual Meeting as provided under Plan Section 78; MCL 38.1545.

WHEREAS, the Board also acts as investment fiduciary for those participating employers who are non MERS participating municipalities and courts that have adopted the MERS Health Care Savings Program, Retiree Health Funding Vehicle, 457, or Investment Services Program, and such entities are not accorded membership, representation or voting rights provided to MERS participating municipalities and courts at the MERS Annual Meeting under Plan Section 78; MCL 38.1545.

WHEREAS, adoption of this Uniform Resolution (the “Uniform Resolution”) by the Eligible Employer is necessary and required in order that the benefits available under the MERS Retiree Health Funding Vehicle may be extended;

WHEREAS, this Uniform Resolution has been approved by the Board under the authority of 1996 PA 220, MERS Plan Document Section 71(2) (a), MCL 38.1536(2) (a), declaring that the Board “shall determine . . . and establish” all provisions of the Retirement System. The MERS RHFV shall not be implemented with respect to any Eligible Employer unless in strict compliance with the terms and conditions of this Resolution, the Trust Document, and Trust Agreement.

- It is expressly agreed and understood as an integral and nonseverable part of extension or continuation of coverage under this Uniform Resolution Adopting MERS Retiree Health Funding Vehicle that Section 43 of the MERS Plan Document shall not apply to this Uniform Resolution, its administration or interpretation.
- In the event any alteration of the language, terms or conditions stated in this Uniform Resolution Adopting MERS Retiree Health Funding Vehicle is made or occurs under MERS Plan Document Section 43 or other plan provision or other law, it is expressly recognized that MERS and the Board, as fiduciary of the MERS Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty: to administer (or to have administered) the MERS RHFV or its Trust Fund; or to continue administration.

NOW, THEREFORE, BE IT RESOLVED that the governing body adopts the MERS PA 149 Health Care Trust Fund as provided below.

I. MERS RETIREE HEALTH FUNDING VEHICLE

EFFECTIVE November 6, 2017, the MERS Retiree Health Funding Vehicle is hereby adopted by the West Branch City Council.

CONTRIBUTIONS shall be made only by the Eligible Employer, remitted to MERS by the Eligible Employer, and credited to the Eligible Employer's separate fund within the trust sub-fund for MERS RHFV. As this Plan is funded solely by employer, on a cash or actuarial basis as determined by the employer, there is no requirement for a Participation Agreement establishing the schedule of contributions.

INVESTMENT of funds accumulated and held in the Fund shall be held in a separate reserve and invested on a pooled basis by MERS subject to the Public Employee Retirement System Investment Act ("PERSIA"), 1965 PA 314, as provided by MERS Plan Document Section 76; MCL 38.1539, and PA 149.

THE ELIGIBLE EMPLOYER shall abide by the terms of MERS RHFV, including all investment, administration, and service agreements, and all applicable provisions of the Code and other law. It is affirmed that no assets from any defined benefit health account established under Section 401(h) of the Internal Revenue Code shall be transferred to, or accepted by, MERS

II. IMPLEMENTATION DIRECTIONS FOR MERS AS RHFV INVESTMENT FIDUCIARY AND TRUSTEE

(A) The governing body of this Eligible Employer desires that all assets placed in its MERS RHFV (as a sub-fund within all pooled Trust Funds with MERS) be administered by MERS, which shall act as investment fiduciary with all powers provided under Public Employee Retirement System Investment Act, PA 149, all applicable provisions of the Internal Revenue Code and other relevant law.

(B) The governing body desires, and MERS upon its approval of this Resolution agrees, that all funds accumulated and held in the MERS RHFV Trust Fund shall be invested and managed by MERS within the collective and commingled investment of all funds held in trust for all Eligible Employers.

(C) The RHFV is designed as a PA 149 compliant trust. All assumptions, including the rate of investment return used in any OPEB valuation, are the responsibility of the employer in conjunction with any advice they may obtain from their health care actuary and/or auditor, if any. The Employer acknowledges and affirms the responsibility for selecting the investment option(s) from the MERS investment funds for their RHFV account.

The Participating Employer makes the following initial fund election (subsequent changes may be made by the RHFVC Investment Change Form #RH-602). Percentage of assets to be invested in fund selected:

PORTFOLIOS BUILT FOR YOU (Stocks/Bonds)		FUNDS TO BUILD YOUR OWN PORTFOLIO	
MERS Total Market Portfolio	%	Large Cap Stock Index	%
MERS Global Stock Portfolio (100/0)	%	Mid Cap Stock Index	%
MERS Capital Appreciation Portfolio (80/20)	%	Small Cap Stock Index	%
MERS Established Market Portfolio (60/40)	%	International Stock Index	%
MERS Balanced Income Portfolio (40/60)	%	Emerging Market Stock	%
MERS Capital Preservation Portfolio (20/80)	%	Short-Term Income	%
MERS Diversified Bond Portfolio (0/100)	100%		

All allocations must use a whole percentage, and the total percentage of amount allocated must equal 100%. Please refer to the Fund Summary Sheets for information regarding each investment option, including potential redemption fees, and restrictions (www.mersofmich.com).

(D) Changes in the fund choices or allocations made in paragraph (C) may be made in writing using the designated MERS form addressed to the MERS RHFV Program Administrator and shall be made by the designated employer contacts, consisting of the City Clerk/Treasurer (ongoing fund elections may be made either through your online account or by the RHFV Investment Change Form #RH-602).

(E) All monies in the MERS RHFV Trust Fund (and any earnings thereon, positive or negative) shall be held and invested for the sole purpose of paying health care benefits for the exclusive benefit of “Eligible Employees” who shall constitute “qualified persons” who have retired or separated from employment with the Eligible Employer, and for any expenses of administration, and shall not be used for any other purpose, and shall not be distributed to the State.

(F) The Eligible Employer will fund its MERS RHFV Trust sub-fund to provide funds for health care benefits for “Eligible Employees” who shall constitute “qualified persons.” Participation in and any coverage under RHFV shall not constitute nor be construed to constitute an “accrued financial benefit” under Article 9 Section 24 of the Michigan Constitution of 1963, nor shall any contribution method for Eligible Employer funding other than “pay as you go” cash funding be required or imposed, and all benefits, rights, and obligations conferred by or arising under RHFV shall be as provided under the RHFV documents.

(G) The Eligible Employer generically designates police officers per union contract as “Eligible Employees” who shall constitute “qualified persons,” to receive retiree health care benefits subsidized under the MERS RHFV trust sub-fund. Groups may include any dependent(s) as specified in your bargaining agreement and/or personnel policy (provide copies of any governing agreement or other policy):

(H) The Eligible Employer may designate the appropriate employer contacts who shall direct payment of fund monies for the benefit of the Eligible Employees identified in paragraph (G) under any retiree health care benefit program, including, but not limited to, MERS HCSP; make investment allocations of the Employer’s fund assets within MERS-approved funds to the extent authorized in paragraph (C); receive necessary reports, notices, etc.; shall act on behalf of the Eligible Employer; and may delegate any administrative duties relating to the Fund to appropriate departments.

SECTION 3. EFFECTIVENESS OF THIS RESOLUTION

This Resolution shall have no legal effect until a certified copy of this adopting Resolution shall be filed with MERS, and MERS determines that all necessary requirements under MERS Plan Document Section 71(2)(a), 1999 PA 149 and other relevant laws, and this Resolution have been met. Upon MERS determination that all necessary documents have been submitted, MERS shall record its formal approval upon this Resolution, and return a copy to the Eligible Employer’s designated primary contact. In the event an amendatory resolution or other action by the Eligible Employer is required by MERS, such Resolution or action shall be deemed effective as of the date of the initial Resolution or action where concurred in by this governing body and MERS (and the Program Administrator if necessary). Section 86 of the MERS Plan Document shall apply to this Resolution and all acts performed under its authority. The terms and conditions of this Resolution supersede and stand in place of any prior resolution, and its terms are controlling.

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 APPROVE RESOLUTION 17-19.

RESOLUTION #17-19

WHEREAS, in reviewing the revenues and expenditures on a monthly basis it was discovered that the General Fund will exceed their projected expenditures, and

WHEREAS, the expenditures in the General Fund will be exceeded due a pay down of MERS debt, and

WHEREAS, the expenses of the pay down will be funded from the assigned MERS paydown amount, and

NOW, THEREFORE, BE IT RESOLVED, that the West Branch City Council hereby amends the budget in Fund 101 General Fund as follows:

	Budget	Amended
TOTAL REVENUE	1,640,451	1,640,451

EXPENDITURES

900.000 Bad Debt

999.702 Debt Cancellation	0	0
999.704 OPEB Catch Up	2,500	2,500
999.706 MERS Catch up	5,000	105,000
Total Bad Debt Expense	7,500	31,400

TOTAL EXPENSES 1,698,113 1,798,113

Excess Expenditures (57,662) (157,662)

Assigned MERS Paydown 100,000 0

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MOTION BY LAWRENCE, SECOND BY SCHAIBERGER, TO APPROVE THE MINUTES AND SUMMARY FROM THE MEETING HELD OCTOBER 16, 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, A BUDGET AMENDMENT, THE DOWNTOWN DEVELOPMENT AUTHORITY MEETINGS HELD AUGUST 22, 2017 AND SEPTEMBER 26, 2017, AND THE AIRPORT BOARD MEETING HELD SEPTEMBER 20, 2017.

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

No – None Absent –None Motion carried

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Information on the additional fund request from the County for 911 was shared. Manager Grace noted that the invoice was not due for nearly a year and that she would recommend waiting to see what the EMS decision was going to be since they were a large portion of the additional funds.

A thank you from the Ogemaw County Genealogical & Historical Society was shared.

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Member Showalter updated Council on his most recent MML Board meeting and that they are pushing to get things done before the State government goes into lame duck at the end of the year with their main focus being on municipal finance reform. He also updated Council on next year’s annual MML convention.

Member Bennett noted that in the new Planning Commission ordinance, it requires members to attend trainings and encouraged Council members to commit to the same requirement.

Member Bennett also noted that the West Branch Initiative group is looking to have a Christmas market crafting event downtown during the Christmas parade and may look at using the Showmobile for carolers.

Member Schaiberger updated Council on the Ogemaw Kids Club and reminded everyone about the Kiwanis variety show.

Mayor Lawrence updated Council on the recent Christmas for Kids meeting she attended and that they are looking at a possible merger with Toys for Tots with the stipulation that any local money donated would go to local families.

Mayor Lawrence updated Council on the recent Airport Board meeting and noted that their audit is coming up.

Mayor Lawrence updated Council on the recent Fire Board meeting and noted they are working on their budget and further noted that Deputy Chief Jim Clark submitted his resignation due to work restraints.

Mayor Lawrence updated Council on the recent EMS meeting and noted their discussion of the additional 911 funds invoice that they received,

Mayor Lawrence noted she also attended the grand opening of Anna's Treasures downtown, the Chambers Cocktails and Connections, the Ogemaw County food pantry meeting and noted the City would be helping with food baskets, as well as the MSU extension 100 year celebration.

Mayor Lawrence also noted the next West Branch Summer Music Series meeting is coming up as well as the next Recreation meeting is coming up. Manager Grace noted the Children's Museum Committee will be at the next Recreation meeting to see about getting their idea for a Children's Museum added to the five year recreation plan.

Mayor Lawrence reminded everyone about the grand opening for Bubbles and Burritos and that she wanted to pass on a thank you she received from someone who wanted to thank the police department for their help in getting an abandoned vehicle moved.

Manager Grace updated Council on her most recent MDOT meeting and that the City is anticipated to have their downtown reconstruction project on the calendar for 2023 and that it is currently waiting for final approval from the State in June.

Manager Grace also noted her recent meeting with the Ogemaw Road Commission and the Federal road aid money that the City would be receiving to redo Fairview Road and N. Valley Street. She also noted that she is looking into special assessments rules.

Manager Grace noted recent court cases involving tax issues with big box companies.

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Chief Walters noted he would be working on the hosting of the food pantry food baskets and that the Police Department looks forward to hosting that every year, updated Council on the Halloween Safety program they put on at Surline and noted he is looking into expanding and doing more of those types of programs, and presented Council with a check for \$125 for Christmas for Kids that the Police Department raised.

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Dave Golden asked about the food baskets that were discussed earlier and asked if Council would look into a sound amplification system to make it easier to hear what they are saying during meetings.

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Mayor Lawrence adjourned the meeting at 7:17 pm.

Denise Lawrence, Mayor

John Dantzer, Clerk