

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET, MONDAY, OCTOBER 2, 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, Chief Ken Walters, DPW Superintendent Mike Killackey, WWTP Superintendent Dan Robb, and County Commissioner Bruce Reetz.

All stood for the Pledge of Allegiance.

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At 6:02 Mayor Lawrence opened the public hearing to take comment on proposed changes to the City's Downtown Development Authority (DDA) and Planning Commission.

Samantha Fabbri noted she was on the DDA and that she was not in favor of combining the two groups at this time and that there is more research that needs to be done and to not rush into any decisions.

Joe Clark noted he was also on the DDA and that the DDA has served the community well and that by combining the two groups, you would be cutting down on the amount of opinions you would have. He also noted that there currently is no collaboration between the two groups and he agreed that they are moving too fast in making a decision. He further noted that he was not in favor of combining the groups.

Samantha Fabbri discussed what she was told by members of other areas that has combined their two groups.

Dennis Callahan asked what the pros and cons would be and if there would be equal representation from both sides.

Manager Grace noted the combined group would allow for the streamlining of processes and the collaboration between the two groups. She also noted that it would allow for easier resident participation because they could attend one meeting. She further noted that they are having troubles getting the required attendance in the two groups. In addition, she noted that they would not be able to have equal representation because there is an odd number on the board but that they could have up to five of the nine members depending on who Council chooses.

June Longstreet asked if the City would be changing the Charter and Manager Grace noted they did not have plans to do that at this time.

Peter Fabbri noted he was a part of the Retail Merchant Association and that they receive money from the DDA to help promote the downtown area and was concerned that this may affect those funds that they receive. He noted that he would like to see the boards given the chance to resolve the issues between

them without combining. He also noted that he has not seen any data evidence that any other City has been successful in doing this.

County Commissioner Bruce Reetz noted that he can see some good points but in his opinion one board working on one purpose would work better than trying to combine them and that it would be a lot of work for just one board.

Glenda Colclassure asked about the possibility of having fewer members on each board if they are having troubles with getting enough people to fill the different boards.

Member Schaiberger asked if anyone from the Planning Commission would like to speak on the subject.

Jason Stroebel noted he was a member of the DDA and Planning Commission and that he believes it would be a lot of work on the Planning Commission and that he thinks the DDA should be given a chance to fix their problems. He also noted that if they combine, they would need two meetings a month which would increase the cost to the City because the Planning Commission is paid per meeting while the DDA is not. He noted he would also like to see the DDA and Planning Commission work together before they combine.

June Longstreet noted she did not see any way that the work required by both boards could be done at one meeting.

Chairman of the Planning Commission, Mike Jackson, noted he did not think that combining the boards at this time would be a good idea because of the amount of work the Planning Commission has coming up due to the fact that they are going to be working on redoing the current zoning ordinance and masterplan. He did note that he would be interested in revisiting the idea once the ordinance and masterplan are done. He also noted that there has been no communication in the past from the DDA and the Planning Commission to try and work together. He also asked about how the new combined board would be filled.

Dennis Callahan noted his concern that the DDA and Planning Commission has never made an effort to get together and wondered how any planning was done effectively.

Member Showalter noted he was the DDA Chairman for many years and that the City Manager in the past acted as a go between for the two boards. He noted that he was not in favor of combining the boards at this time and would like to allow the two boards the option to work together. He noted the DDA in past has been stagnant but has become very active in the past few years. He did note that they have had attendance issues with the DDA. He noted they could possibly fix this by changing the date and time of the DDA meeting. He noted he does understand some of the advantages of streamlining but he would like to put the decision off for 6 months to 12 months to see if they can fix the issues.

Peter Fabbri agreed with Member Showalter and noted the problems should have been addressed before it got to this and that they need to have collaboration. He again stated he was strongly against combining the boards at this time.

Member Weiler noted he is also on the Planning Commission and is on the fence about the issue because he does see advantages and disadvantages in combining the boards. He noted he does agree with Member Showalter on his opinions.

Member Showalter noted he would like to try and correct the issue before any member is removed from their respective boards.

Manager Grace noted removal from a board due to attendance is a procedural requirement and those members are welcome to reapply and can be reappointed to their positions.

Planning Member Bob David noted he would like to see the Charter looked at on how excused absences are dealt with.

Mayor Lawrence noted she is the only person that attends the Planning Commission meetings, Council Meetings, and DDA meetings and that everyone needs to find out what is going on in those other meetings to make informed decisions for their boards and that everyone needs to look in the mirror as far as who the problems are. She noted she was in favor of combining the boards and that many of the same issues are talked about at both meetings and the meetings are basically a duplication of each other.

Clara Clark noted she did not know about the other meetings and if they were open to the public.

Samantha Fabbri noted she would like to see Council give the boards a chance to work together and have the two boards have a scheduled time where they do get together. She also noted she did not know of any attendance requirements and wished she would have been notified beforehand.

Peter Fabbri noted that when they talked to other communities that have done this, they did note that it did create some animosity and wanted to know who would be responsible for the final decision on who would be on the board if they did combine.

Manager Grace noted the Charter requires the City Mayor to make the recommendation for appointment and Council to vote on it.

Planning Member June Longstreet noted that Planning Commission members have to be City residents and pay City taxes and Manager Grace noted that is not entirely true and a Planning commission is allowed to have up to two members who are not registered electors of the City as long as they are a registered elector in the State of Michigan.

Peter Fabbri noted attendance and collaboration can be resolved and asked Council to not make this decision yet.

Dennis Callahan noted the City has a real potential for growth and that they need to collaborate to make things work so the City can grow and if members are not aboard to make it work, then those ones need to be replaced.

Member Showalter thanked everyone for showing up and noted that if both boards do not think the combining will work then it probably isn't going to. He also noted he does not agree with the Mayor and that the two boards do not or should not be doing the same thing in their meetings.

With no one else wishing to be heard, Mayor Lawrence closed the public hearing at 6:55 pm.

Manager Grace noted that all DDA expenditures with the combined boards would be handled the exact same way as they currently are and would only be able to be spent on issues for the downtown district.

Manager Grace also noted that the boards not collaborating is the reason to combine because it will force them to collaborate.

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Commissioner Bruce Reetz update Council on recent County meetings which included approving their budget, approving the winter tax levy, approving the hiring of a full time dispatcher for transit, approving a quit claim deed to fix a boundary dispute, and approving Diebold Insurance for their liability coverage.

Manager Grace asked how the Commissioners handled the 911 shortfall and Commissioner Reetz noted that they would be billing the Cities and Townships. He also noted 911 may look into a millage in the future.

Manager Grace also asked about the fact that they were spending out of the revolving fund again and if they had any long term plans to stop the process. Commissioner Reetz noted it was the smallest amount they have used in a long time.

Manager Grace asked about the Sheriff Department reinstating their night patrol. Commissioner Reetz noted they would not be reinstating it.

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DPW Superintendent Mike Killackey and Waste Water Superintendent Dan Robb went over bids received for water tower inspection. They noted they recommended Dixon Engineering even though they were slightly higher because they were the only 3rd party engineer to submit a bid. They noted based on that, they have nothing to gain by telling us that the tower needs maintenance because they do not have their own maintenance crews like the other two companies do. The also noted that Dixon has a history with the City and has inspected the tower before. They further noted that they were the only bid that included assisting with the setting up our system to run on pressure while the tank is down.

MOTION BY SCHAIBERGER, SECOND BY BENNET TO AWARD THE WATER TOWER INSPECTION BID TO DIXON ENGINEERING NOT TO EXCEED \$3,495.00
Yes — Bennett, Lawrence, Lucas, Schaiberger, Showalter, Tuttle, Weiler

No – None Absent –None Motion carried

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Bids were submitted for stump grinding in the City.

MOTION BY LAWRENCE, SECOND TUTTLE TO AWARD THE STUMP GRINDING BID TO HORIZON SEAL COATING NOT TO EXCEED \$13,711.50 AND TO HAVE THEM CONTACT THE DPW TO SET UP A SCHEDULE.

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

No – None

Absent –None

Motion carried

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Bids were submitted for engineering services for Fairview Rd. DPW Superintendent Killackey noted his recommendation for C2AE because they have worked with the City before and were substantially lower.

MOTION BY SHOWALTER, SECOND BENNETT, TO AWARD THE FAIRVIEW RD ENGINEERING BID TO C2AE NOT TO EXCEED 49,350.00

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

No – None

Absent –None

Motion carried

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Manager Grace noted they did not receive any bids on the staining of the wood structures along the Riverwalk and would reach out to see if she can get some quotes.

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An updated proposal was submitted from NEMCOG to assist in the rewriting of the City zoning ordinance and the masterplan. Manager Grace noted that the MEDC would be willing to pay half the cost if NEMCOG was chosen. Manager Grace gave her recommendation for NEMCOG and submitted a sole source vendor certificate to approve the proposal without going to bid so they could receive the matching funds from MEDC.

MOTION BY SHOWALTER, SECOND SCHAIBERGER, TO APPROVE THE SOLE SOURCE VENDOR REQUEST AND TO AWARD THE PROPOSAL FOR ZONING AND MASTERPLAN REWRITING TO THE NORTH EAST MICHIGAN COUNCIL OF GOVERNMENTS (NEMCOG) FOR A TOTAL AMOUNT OF \$25,861 WITH MATCHING AMOUNTS OF \$12,930.50 TO BE PAID BY THE CITY AND THE MICHIGAN ECONOMIC DEVELOPMENT CORPORATION.

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

No – None

Absent –None

Motion carried

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MOTION BY SHOWALTER, SECOND BENNETT, TO APPROVE BILLS IN THE AMOUNT OF \$87,147.23.

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

No – None

Absent –None

Motion carried

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A request was received from Joseph Izworski to plant a tree in the park in the memory of a deceased class mate. Manager Grace recommended allowing her to come up with a tree and bench memorial policy that they could use to follow for these types of requests.

MOTION BY SHOWALTER, SECOND SCHAIBERGER, TO CREATE A MEMORIAL TREE AND BENCH POLICY FOR THE PARK AND TO HANDLE THESE REQUESTS ADMINISTRATIVELY.

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

No – None

Absent –None

Motion carried

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MOTION BY SCHAIBERGER, SECOND LUCAS, TO APPROVE THE FOLLOWING RESOLUTION.

**RESOLUTION 17-15
SIDEWALK CONSTRUCTION ALLOCATION FOR THE HIGHWAY BREWING CO.**

WHEREAS, § 94.24 of the City of West Branch Code of Ordinances provides that cost allocations for sidewalk construction may be altered, indexed, waived, or paid by installation upon Council resolution, and

WHEREAS, City Resolution # 97-12 found it to be in the best interest of public health, welfare, and safety to promote an aggressive sidewalk improvement effort by allowing subsidy scheduled to provide for the payment of sidewalk assessments in the City as follows: “Very Low Income – City responsible for 75%; Lower Income – City responsible for 50%; with income thresholds as determined by MSHDA Section 8 Existing Eligibility Income Limits for the current year, and . . . that residents opting to pay full assessment in the same calendar year as construction receive a 5% discount from total responsibility for construction, and . . . that residents opting to pay in installments be billed three annual payments, each equaling 1/3 of total responsibility for construction, and . . . that individual cases may be examined by City Council and fees for sidewalk construction and related costs (engineering, grade work, retention walls, etc.) may be amended or waived by City Council motion at an open, regularly scheduled meeting of the City Council”; and

WHEREAS, The Highway Brewing Co. has requested City Council to approve a reconstruction of the sidewalk in front of their building, located at 209 W. Houghton Avenue, West Branch, MI; and

WHEREAS, The Highway Brewing Co. has chosen to contract with Finished Concrete to perform the work, at a cost of \$1,985.00; and

WHEREAS, The Highway Brewing Co. has opted to have the full costs of their assessment added to their taxes in the same calendar year as construction and then also pay said assessment in the same calendar year as construction;

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of West Branch hereby approves The Highway Brewing Co.'s request for reconstruction of the sidewalk in front of their building, located at 209 W. Houghton Ave.; and

BE IT FURTHER RESOLVED, that the City Council for the City of West Branch also approves a cost allocation schedule for said project as follows:

70% of costs allocated to The Highway Brewing Co.; and

30% of costs allocated to the City of West Branch, in an amount not to exceed \$595.50.

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

No – None

Absent –None

Motion carried

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An invoice was submitted for the membership renewal of the Chamber of Commerce.

MOTION BY SHOWALTER, SECOND BY SCHAIBERGER, TO POSTPONE DECISION ON THE CHAMBER OF COMMERCE INVOICE UNTIL CHAMBER DIRECTOR, HEATHER NEUHAUS, COULD ATTEND A MEETING TO ANSWER QUESTIONS.

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

No – None

Absent –None

Motion carried

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A request for the first half of the 2017-2018 Airport budget appropriation was submitted.

MOTION BY SCHAIBERGER, SECOND BY LUCAS, TO APPROVE THE AIRPORT APPROPRIATION AS SUBMITTED AND PAY THE \$23,349.50

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 MEETING HELD SEPTEMBER 18, 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 MINUTES FROM THE AIRPORT BOARD MEETING HELD AUGUST 16, 2017.

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

No – None

Absent –None

Motion carried

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A Charter Cable lineup was shared.

A Chamber of Commerce update was shared.

A flyer on the Drug Free Coalition was shared.

The approved EMS 2017-2018 budget was shared.

An Ogemaw Herald article was shared.

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Member Showalter thanked the members of the DDA and Planning Commission for all of their work.

MOTION BY SHOWALTER, SECOND BY LUCAS, TO CONTINUE WITH SEPARATE A DDA BOARD AND PLANNING COMMISSION FOR A TIME FRAME OF NOT LESS THAN SIX MONTHS TO ALLOW THEM TIME TO WORK ON THEIR PROBLEMS.

Mayor Lawrence noted they have determined the Planning Commission was formed on a City Ordinance that was based on a repealed State law and would need to be updated to match the new law.

Manager Grace thanked everyone for their opinions and wanted to make it known that it is her job to make recommendations to City Council on what she thinks would be best for the City and nothing was personal. She also thanked everyone for their service to the boards.

Mayor Lawrence noted that because of this violation, she did not think they should continue with the current structure and should combine them now rather than potentially have to redo the Planning Commission ordinance twice.

Member Bennett noted they need to look at getting it fixed right away.

Member Showalter noted that it does need to be fixed but should have no bearing on the decision to combine the boards and can be fixed either way and they could possibly word the new ordinance in a way that would allow for future changes more easily.

Member Bennett noted that this was the good faith effort that she thought should be extended when this issue first was talked about. She also noted she was not opposed to combining the boards but if there was a way to fix it as it is now then let's work on that first.

Member Showalter agreed with Member Bennett.

Member Lucas asked on a time frame needed to change it, and it was noted it needs to be worked on immediately.

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

No – Lawrence

Absent –None

Motion carried

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Manager Grace asked if Council wanted her to proceed with changing the ordinance or wait to see if any additional changes were needed in six months so it was not done twice.

Mayor Lawrence noted it may have to be done twice and it should be done right away.

Planning Chairman Jackson asked if this would have any bearing on the current commission and the decisions they have made. Manager Grace noted a legal argument could possibly be made.

June Longstreet asked if this new rule applies to the City's Planning Commission because it was developed by a charter commission. Manager Grace noted there are different rules but the Planning Commission is set up by Ordinance and not by Charter in the City.

Member Showalter asked if it can be written to more easily incorporate changes if they decide to merge the boards later.

City Manager noted she would request a Council vote for her to ignore the attendance policy because she was not comfortable breaking the Charter.

Mayor Lawrence noted she would be in favor of no motion that is a directive for the City Manager to violate the City Charter.

MOTION BY LAWRENCE, SECOND BY SHOWALTER, TO NOT ALLOW THE CITY MANAGER TO VIOLATE THE LANGUAGE CONTAINED IN THE CHARTER.

Manager Grace noted that if they did in fact vote in favor of this then they would be declaring any seat open that should be removed due to attendance. She also noted they could immediately reapply for reappointment at that time.

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

No – None

Absent –None

Motion carried

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Member Bennett apologized for those that were affected by the decision but there was no way around it.

Peter Fabbri asked how they could enforce an attendance issue when the Planning Commission is operating illegally. Manager Grace noted the makeup of the Commission is under a City Ordinance and the attendance policy is under the City Charter so they are handled differently. Mr. Fabbri noted his concern that it seemed like they were punishing certain people based on personal reasons.

Manager Grace noted that she takes offense to that statement and that in no way was anything done for personal reasons. She noted that this was done as part of her job as City Manager. She further noted that she has been commended in the past for her proactive ideas and not just continuing to do what was always done in the past.

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Member Bennet asked about painting and striping throughout the City. Manager Grace noted that it did not get done because of the change in the Superintendent of DPW and is now planned to do next spring.

Member Schaiberger noted the Ogemaw Kids Club is doing well and no longer has a waiting list so they are accepting more kids.

Mayor Lawrence noted that there is no need to put blame on anyone for what has happened in the past and that everyone needs to work together going forward.

Manager Grace noted they are working on attracting a new retail store to take the place of Kmart and the SBA 504 loan program which could help new businesses coming in. Manager Grace also noted that this is the number one property for the Redevelopment Ready Communities developmental property and that they would like to have a top ten list of redevelopment properties and asked for recommendations from Council or the public.

Manager Grace noted she did reach out to the State for the hydrogen sulfide smell that the City gets from time to time. The State did send someone up to inspect and said that it is not harmful.

Chief Walters noted the grant for the police vehicle has been turned in and it ended up being higher by \$87 more than his initial estimate.

Chief Walters also noted that he passed the Michigan Commission on Law Enforcement Standards audit with flying colors. Manager Grace commended Chief Walters and noted they are strenuous audits.

DPW Superintendent Killackey noted that everything is going well with his new position and he is getting along with the guys great and if anyone has any questions, please feel free to ask him.

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Bob David reminded everyone of the homecoming festivities.

Samantha Fabbri noted she did not view Manager Grace as a villain but she was disappointed with the way the attendance issue was brought up tonight during the meeting because she had no idea of the rule and it was never mentioned to her before.

Glenda Colclassure asked about what the equipment rental in the airport budget was for. Manager Grace noted it is because the City is sometimes called out to help with snow removal on the runway if the airport staff can not keep up.

Mike Jackson asked about the water tower life expectancy. DPW Superintendent Killackey noted that the report from the inspection that was approved earlier in the night would tell us. He also noted that inspections are required every 3-5 years by the State.

Samantha Fabbri invited everyone to the next installment of the City revitalization program.

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Mayor Lawrence adjourned the meeting at 8:05 pm.

Denise Lawrence, Mayor

John Dantzer, Clerk