

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBERS OF CITY HALL, 121 NORTH FOURTH STREET ON MONDAY, OCTOBER 21, 2019.

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

Present: City Mayor Paul Frechette, Council Members Joanne Bennett, Mike Jackson, Ellen Pugh, and Cathy Zimmerman.

Absent: Members Chris Powley and Dan Weiler

Other officers present: City Manager Frank Goodroe, Clerk/Treasurer John Dantzer, Police Chief Ken Walters, Public Works Superintendent Mike Killackey, and Planning Commission Vice-Chair Bob David.

All stood for the Pledge of Allegiance.

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MOTION BY FRECHETTE, SECOND BY ZIMMERMAN, TO EXCUSE MEMBERS CHRIS PAULEY AND DAN WEILER FROM THE MEETING.

Yes — Bennett, Frechette, Jackson, Pugh, Zimmerman

No – None

Absent – Powley, Weiler

Motion carried

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As an addition to the agenda, Heather Neuhaus of the Chamber of Commerce notified Council that West Branch had been chosen as a stopping location for this year’s Santa Train. Ms. Neuhaus also noted the need to apply for a road closure. It was the consensus of Council to have Ms. Neuhaus keep Council up to date on the program as she obtains more information on it. Manager Goodroe also noted that a special event permit would be needed and that he is working on an updated permit.

MOTION BY FRECHETTE, SECOND BY BENNETT, TO APPROVE THE 2019 SANTA TRAIN EVENT CONTINGENT UPON A SPECIAL EVENT PERMIT BEING SUBMITTED ONCE THE FINAL DETAILS ARE WORKED OUT.

Yes — Bennett, Frechette, Jackson, Pugh, Zimmerman

No – None

Absent – Powley, Weiler

Motion carried

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Kelli Collins presented checks from funds raised from the Veteran Banner program to Lois Bergquist on behalf of the Ogemaw Veterans Alliance, Ogemaw Veterans Museum and Ogemaw Historical Society.

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MOTION BY ZIMMERMAN, SECOND BY JACKSON, TO APPROVE THE SOLE SOURCE VENDOR REQUEST AND THE BID FOR LOADER TIRES TO SCHMITT TIRE AND GAS NOT TO EXCEED 7,860.00

Yes — Bennett, Frechette, Jackson, Pugh, Zimmerman

No – None Absent – Powley, Weiler Motion carried

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MOTION BY PUGH, SECOND BY JACKSON, TO APPROVE THE BID FOR THE SALE OF THE BUCKET TRUCK TO ALLIANCE TREE SERVICE FOR \$8,000.00

Yes — Bennett, Frechette, Jackson, Pugh, Zimmerman

No – None Absent – Powley, Weiler Motion carried

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MOTION BY BENNETT, SECOND BY JACKSON, TO PAY BILLS IN THE AMOUNT OF \$29,033.71.

Yes — Bennett, Frechette, Jackson, Pugh, Zimmerman

No – None Absent – Powley, Weiler Motion carried

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MOTION BY JACKSON, SECOND BY BENNETT TO APPROVE THE SECOND READING (ENACTMENT) OF ORDINANCE 19-03

ORDINANCE 19-03; AN ORDINANCE TO AMMEND SECTION 94.03 OF THE CITY OF WEST BRANCH CODE OF ORDINANCES ENTITLED, "EXCAVATIONS, PERMIT FEES, CONTENTS.

§ 94.01 PERMIT REQUIRED.

It shall be unlawful for any person, firm or corporation other than employees of the City when in the performance of duty to excavate or dig, or to cause any excavation or digging, or to alter curb and/or gutter, or other public structure in a public street, alley or place within the City for any purpose whatsoever without first having obtained a written permit, therefore, from the City Manager or his designated representative and filing a copy of same along with such deposit as may be required together with documents evidencing the required insurance and bonds with the City Clerk who shall thereupon validate same with the seal of the City, without the seal, the permit shall be without effect.

(Ord. 156, passed 12-15-80) Penalty, see § 94.99

§ 94.02 DEPOSIT; BOND AND INSURANCE REQUIREMENTS.

Deposit and/or bond and insurance requirements for validation of a permit are as follows:

(A) A cash deposit in an amount no less than the estimated maximum amount of the cost of restoration of the street curb, gutter or other structure in the public street shall be deposited with the City Treasurer. To insure that permittee will make the required restoration such

deposit shall either be cash or a cashiers check payable to the City. In lieu of the foregoing, the permittee may provide a surety bond in such amount as to be no less than the cash deposit set forth above.

(B) Public liability insurance in the name of permittee in such amounts as may be established by the City from time to time.

(C) Owner's protective public liability insurance in the name of the City in such amounts as may be established by the City from time to time.

(D) In lieu of the foregoing insurance and bonding requirements, any public utility with a franchise in force containing provisions whereby the utility agrees to hold the City harmless for loss by reason of its operations in City streets may file a letter of intent to reimburse the City for any and all costs of restoration, signing and barricading or other related work performed by City forces as a result of and made necessary by the utility's operation in City streets. Other provisions of this subchapter shall apply to public utilities in a like manner and with equal respect as to any other person, firm or corporation.

(Ord. 156, passed 12-15-80)

§ 94.03 PERMIT FEE; CONTENTS.

The fee for a permit shall be \$5 approved by resolution of the West Branch City Council which along with estimated restoration costs as provided in §§ 94.06 and 94.07 shall be paid by the applicant at the time the permit is issued. The permit required herein shall state the following:

(A) Name and address of owner, agent or other party for whom the work is being done.

(B) Name and address of builder, contractor or agent having charge of such work.

(C) Location of the work to be done.

(D) Date to commence and estimated duration of the work.

(E) Nature of the work.

(Ord. 156, passed 12-15-80)

§ 94.04 BARRICADES AND LIGHTS.

The applicant must provide, erect and maintain all necessary barricades, lights, warning signs and the like to properly safeguard traffic while work is in progress, and at no time shall the street or highway be closed to traffic longer than is necessary to complete the work.

(Ord. 156, passed 12-15-80) Penalty, see § 94.99

§ 94.05 FILLING EXCAVATIONS OR TRENCHES.

All excavations or trenches shall be filled in a thorough and workmanlike manner, either by flooding or hand tamping. Additional filling shall be placed if necessary in excavations or trenches that have settled, and all surplus earth or any refuse shall be removed from the street by the applicant obtaining the permit.

(Ord. 156, passed 12-15-80) Penalty, see § 94.99

§ 94.06 REPLACEMENT OF ASPHALT PAVEMENT, CURB CUTS OR OTHER STRUCTURAL ALTERATIONS WITHIN STREET RIGHT-OF-WAY.

Replacement of asphalt pavement, curbs, gutters or other public structures in the street right-of-way shall be done by City forces or by a prequalified contractor on a cost basis under City inspection. Cost of such inspection shall be set from time to time by City Council

action. Estimated cost of restoration shall be made by the City Manager or his designated representative prior to issuance of a permit. Should the estimate prove to be too low, payment for the additional amount shall be made promptly by the permittee. Should the estimate prove to be too high, the amount in excess of actual cost shall be refunded promptly to the permittee.

(Ord. 156, passed 12-15-80)

§ 94.07 FAILURE TO CARRY OUT NECESSARY WORK.

In the event that any applicant shall fail to carry out the provisions of this subchapter, any work necessary therefore shall be performed by the City and the applicant shall be required to pay all proper bills rendered by the City for that work.

(Ord. 156, passed 12-15-80)

§ 94.08 CASES NOT COVERED BY REGULATIONS.

Any case not covered by this subchapter shall be passed upon directly by the City Council.

(Ord. 156, passed 12-15-80)

Yes — Bennett, Frechette, Jackson, Pugh, Zimmerman

No – None

Absent – Powley, Weiler

Motion carried

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MOTION BY FRECHETTE, SECOND BY BENNETT, TO DESIGNATE THE TRICK OR TREAT HOURS ON HALLOWEEN FOR BUSINESSES FROM 5:00-6:00 PM AND FOR RESIDENTS FROM 6:00-8:00 PM.

Yes — Bennett, Frechette, Jackson, Pugh, Zimmerman

No – None

Absent – Powley, Weiler

Motion carried

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MOTION BY FRECHETTE, SECOND BY PUGH, TO SET THE PUBLIC HEARING FOR A 425 AGREEMENT WITH OGEMAW TOWNSHIP FOR NOVEMBER 4 AT 6:05 PM.

Yes — Bennett, Frechette, Jackson, Pugh, Zimmerman

No – None

Absent – Powley, Weiler

Motion carried

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MOTION BY JACKSON, SECOND BY BENNETT, TO APPROVE THE MINUTES AND SUMMARY OF MINUTES FROM THE MEETING HELD OCTOBER 7, 2019.

Yes — Bennett, Frechette, Jackson, Pugh, Zimmerman

No – None

Absent – Powley, Weiler

Motion carried

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MOTION BY ZIMMERMAN, SECOND BY POWLEY, TO RECEIVE AND FILE THE TREASURER’S REPORT AND INVESTMENT SUMMARY; THE MINUTES FROM THE AIRPORT BOARD MEETING HELD SEPTEMBER 18, 2019; AND THE SEPTEMBER POLICE REPORT.

Yes — Bennett, Frechette, Jackson, Pugh, Zimmerman

No – None

Absent – Powley, Weiler

Motion carried

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A communication from Charter Cable was shared.

A communication from Consumers Energy was shared.

A communication from the Michigan Energy Work Force was shared.

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MOTION BY FRECHETTE, SECOND BY PUGH, TO APPROVE THE REAPPOINTMENTS OF SAMANTHA FABBRI AND AUTUM HUNTER TO THE DDA BOARD FOR A FOUR YEAR TERM TO EXPIRE ON 12/31/23

Yes — Bennett, Frechette, Jackson, Pugh, Zimmerman

No – None

Absent – Powley, Weiler

Motion carried

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Mayor Frechette spoke on the success of the Mayor Exchange and that he is looking forward to working with Auburn in the future.

Member Bennett also spoke on how well the Mayor Exchange went and that she got to meet some people in the community that she hadn’t yet met. Ms. Bennett also noted on how well the whole community worked together on it.

Member Pugh spoke on the Mayor Exchange as well as how well the Wastewater Plant tour went.

Member Jackson gave an EDC update and reminded Members of the upcoming Economic Outlook breakfast.

Member Zimmerman also spoke on the Mayor Exchange and noted how great it was to see so many people from different groups work together. Ms. Zimmerman also thanked Manager Goodroe and everyone for their hard work.

Manager Goodroe gave the Manager update which included notes on the Mayor Exchange, an industrial park development update, noted that the City will begin working on an Economic Development Strategy, gave a childcare update, noted that he will be working on updating the special event permit,

gave a health park development update, noted that the City staff will begin working on the employee appreciation party, updated Council of some real estate transactions that he is continuing to work on, and reminded everyone of upcoming meetings.

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Chief Walters updated Council on the outfitting of the new police vehicle and noted that they have submitted the request for bids for the sale of the police vehicles they no longer are using.

DPW Superintendent Killackey updated Council on the repair of N. Valley St. and the status of his work vehicles.

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Mayor Frechette adjourned the meeting at 6:50 pm.

Paul Frechette, Mayor

John Dantzer, Clerk