

REGULAR MEETING OF THE WEST BRANCH CITY COUNCIL HELD IN THE COUNCIL CHAMBER AT WEST BRANCH CITY HALL, 121 NORTH FOURTH STREET, MONDAY, DECEMBER 15, 2003.

Mayor Todd Thompson called the meeting to order at 7:00 p.m.

Present: Mayor Todd Thompson, Council Members Gregory Clark, William Ehinger, Kim Ervans, Paul Frechette, Russell Jackson, Chad Lucas

Other Officers Present: Acting City Manager Jane Tennant, Deputy Clerk/Treasurer Debra Heisler, Attorney Edward Crawford, and Police Chief Rodger Williams

All stood for the Pledge of Allegiance

Lindsay Williams, Miss Victorian West Branch and members of her court, Anna Daugherty and Mary Howard, presented the Mayor and Council with the 2003 picture of Miss Victorian and her court to be placed in the Council Chamber. Mayor Thompson presented Miss Victorian with a check for \$500.00 for the scholarship fund.

James Howard, Kent Davison and Jean David, Board of Review members, were present to request that the City look into conducting a reappraisal. They feel it is time one should be done and they have every confidence in our current assessor to complete the process to their satisfaction. Council tabled the decision on a reappraisal until Jan. 5, 2004.

MOTION BY LUCAS, SECOND BY JACKSON TO APPROVE THE PURCHASE OF POLYMER FEED EQUIPMENT FROM THE LIVING WATERS COMPANY OF MONROVIA, INDIANA FOR \$9,742.00.

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

MOTION BY THOMPSON, SECOND BY CLARK TO ALLOW THE PURCHASE OF LOT #7 INDUSTRIAL PARK WEST IN THE AMOUNT OF

\$40,000.00 AND TO AUTHORIZE THE MAYOR AND /OR CLERK TO SIGN ALL DOCUMENTS PERTAINING TO THIS SALE.

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

MOTION BY THOMPSON, SECOND BY EHINGER TO APPROVE THE REIMBURSEMENT OF \$692.97 TO OGEMAW TOWNSHIP FOR THE OVER PAYMENT ON SEWER FOR WEST BRANCH TIRE AND AUTOMOTIVE, 962 W. HOUGHTON AVE.

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No - None

Motion Carried

MOTION BY CLARK, SECOND BY JACKSON TO APPROVE THE MINUTES AND SUMMARY OF THE REGULAR MEETING HELD DECEMBER 1, 2003 AND THE MINUTES OF THE SPECIAL MEETING HELD NOVEMBER 24, 2003.

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

MOTION BY JACKSON, SECOND BY EHINGER TO RECEIVE AND FILE THE MINUTES OF THE WEST BRANCH REGIONAL MEDICAL CENTER BOARD OF TRUSTEES MEETING HELD OCTOBER 27, 2003, THE SPECIAL MEETING OF THE WEST BRANCH PLANNING COMMISSION HELD DECEMBER 3, 2003, THE WEST BRANCH POLICE DEPARTMENT ACTIVITY REPORT FOR NOVEMBER 2003 AND THE TREASURERS REPORT FOR NOVEMBER 2003.

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

**MOTION BY LUCAS, SECOND BY EHINGER TO DENY COOR
INTERMEDIATE SCHOOL DISTRICT’S SUMMER TAX COLLECTION
REQUEST.**

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

**MOTION BY THOMPSON, SECOND BY FRECHETTE TO APPROVE WEST
BRANCH – ROSE CITY AREA SCHOOL’S SUMMER TAX COLLECTION
REQUEST.**

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

Mayor Thompson reported on the search for a new City Manager, interviews have been completed and the Council will review and make recommendations for second interviews.

Council member Frechette reminded everyone that Christmas Light voting is Wednesday December 17, 2003 so be sure to have your lights on.

Council member Jackson reported that Consumers Energy still hasn’t picked up the brush on Shrigley Street.

Acting City Manager Tennant, reminded everyone that the Senior Christmas Party is this Saturday December 20, 2003 at the Senior Center from 11:30 a.m. to 4:00 p.m.

Acting City Manager Tennant, also gave an update on Dan Weiler's condition; surgery went well and he should be home soon.

MOTION BY LUCAS, SECOND BY FRECHETTE TO APPROVE THE NOVEMBER FINANCIAL STATEMENT.

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

MOTION BY LUCAS, SECOND BY THOMPSON TO PAY BILLS IN THE AMOUNT OF \$100,920.26.

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

MOTION BY ERVANS, SECOND BY LUCAS TO TABLE THE LEASE AGREEMENT FOR LOT #7 IN THE INDUSTRIAL PARK.

Yes – Ervans, Lucas

No – Clark, Ehinger, Frechette, Jackson, Thompson

Motion Failed

MOTION BY THOMPSON, SECOND BY FRECHETTE TO DENY BRIAN LINEBAUGH'S REQUEST TO LEASE LOT #7 IN THE INDUSTRIAL PARK.

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

MOTION BY THOMPSON SECOND BY CLARK TO INTRODUCE THE FOLLOWING ORDINANCES:

ORDINANCE #03-07

AN ORDINANCE TO AMEND §152.041 AND § 152.040 OF THE CITY OF WEST BRANCH CODE OF ORDINANCES ENTITLED “CHAPTER 152: ZONING CODE.”

THE CITY OF WEST BRANCH ORDAINS:

SECTION: 1. The City of West Branch, Michigan Code of Ordinances is hereby amended as follows:

§152.041 I-1 Light Industrial District

(A) Principal uses permitted.

In a Light Industrial District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this chapter:

(1) Any of the following uses when conducted within a completely enclosed building enclosed on all sides with a six-foot fence. The fence shall be obscuring on the sides that abut districts zoned for residential use.

(b) Automobile, tractor, and trucking storage facilities

(B) Special Land uses.

The following uses are considered Special Land Uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in § 152.045:

(1) Automobile, tractor, and trucking repair facilities.

SECTION 2: The City of West Branch Code of Ordinances is hereby amended as follows:

§ 152.040 B –2 General Business District

The B-2 General Business Districts are designed to furnish Areas served typically by the Central Business District with a variety of automotive services and goods incompatible with the uses and with the pedestrian movement in such Central Business District. The General Business Districts are characterized by more diversified business types and are often located so as to serve passerby traffic.

(B) Special land uses.

The following uses are considered Special Land Uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in § 152.045:

- (7) Banks, credit unions, savings and loans with or without drive-through facility.**
- (26) All businesses with drive-through facility**
- (27) Accessory buildings, structures, and uses customarily incidental to the above Special Land Uses.**

Section 3: This Ordinance shall become effective 15 days after its adoption.

AND

ORDINANCE #03-08

AN ORDINANCE TO AMEND § 72.99 OF THE CITY OF WEST BRANCH CODE OF ORDINANCES ENTITLED “CHAPTER 72: PARKING REGULATIONS.”

THE CITY OF WEST BRANCH ORDAINS:

SECTION 1. The City of West Branch, Michigan Code of Ordinances is hereby amended to include the following:

§ 72.99 Penalty

- (A) The following fines shall be applicable to parking and**

standing violations of this chapter

SCHEDULE OF OFFENSES AND PENALTIES

Offense **Penalty**

Parking in yellow zone (yellow paint on curb) \$25.00

SECTION 2. This ordinance shall become effective 15 days after its adoption.

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

MOTION BY EHINGER, SECOND BY FRECHETTE TO APPROVE THE PURCHASE AGREEMENT, BETWEEN THE CITY OF WEST BRANCH AND BRIAN LINEBAUGH, FOR LOT #7 IN THE INDUSTRIAL PARK WITH THE CHANGE THAT PARAGRAPH 16 READ - CLOSING DATE TO BE WITHIN 15 DAYS OF COMPLETION OF ALL CONDITIONS IN THE PURCHASE AGREEMENT.

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

MOTION BY THOMPSON, SECOND BY EHINGER TO AWARD THE HOUSING INSPECTOR BID TO ROGER MORGAN .

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

Bids were opened for Project #34-MEDC from:

1. J & L Home Improvement – West Branch \$30,085.00
2. Sunset Enterprises – West Branch \$30,575.00

MOTION BY LUCAS, SECOND BY THOMPSON TO ACCEPT BID FROM J & L. HOME IMPROVEMENT FOR PROJECT #34-MEDC FOR A NOT TO EXCEED PRICE OF \$30,085.00

Yes – Clark, Ehinger, Ervans, Frechette, Jackson, Lucas, Thompson

No – None

Motion Carried

MOTION BY FRECHETTE, SECOND BY CLARK TO ADJOURN AT 8:29 P.M.

Todd Thompson, Mayor

Jane Tennant, Clerk

Approved January 5, 2004