

A Regular Meeting of the Otsego City Commission was held Monday, January 7, 2019.

The meeting was called to order by Mayor Trobeck at 7:00 p.m. with the following Commissioners present: Brent Milhiem, Stacey Withee, Lauri Krueger and Nick Breedveld. Absent: None. Also present City Manager Mitchell.

The audience joined the Commission in the Pledge of Allegiance.

The December 17, 2018, minutes were approved as submitted.

## **REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS**

Pat Peterson, 3057 125<sup>th</sup> Ave. Allegan – she asked why the Commission was considering Resolution #2019-01. Mayor Trobeck stated that it would be communicated during the discussion period.

### **I. PRESENTATIONS:**

#### **A. COUNTY COMMISSIONER GALE DUGAN UPDATE**

Commissioner Dugan gave a brief update. He stated that the next County Commission Meeting will be held on January 10, 2019. He wished everyone a Happy New Year.

### **II. PUBLIC HEARING:**

### **III. PLANNING AND ZONING:**

### **IV. ORDINANCES:**

### **V. REQUESTS:**

#### **A. CONSIDERATION OF TRANSFER STATION COUPON PROGRAM - DISTRIBUTION OF COUPONS BEGINNING IN FEBRUARY - COUPONS EXPIRING DECEMBER 31, 2019**

Manager Mitchell gave an overview of the program. The Clerk will provide the Commission with the 2018 distribution report. Commissioner Krueger moved to authorize the Transfer Station Coupon Program, with distribution of coupons beginning in February 2019 and expiring December 31, 2019, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

#### **B. CONSIDERATION OF REQUEST TO SET A PUBLIC HEARING TO ESTABLISH SINGLE PREMISE ASSESSMENTS FOR DELINQUENT CHARGES FOR CITY SERVICES ON FEBRUARY 4, 2019**

Manager Mitchell stated that this is an annual request from the Treasurer. He stated that the property owners and amounts will be in the resolution that will be presented at the February 4<sup>th</sup> meeting.

### **VI. AGREEMENTS**

**VII. RESOLUTIONS:**

**A. CONSIDERATION OF RESOLUTION NO. 2019-01 – A RESOLUTION TO MOVE MARCH 2019 BOARD OF REVIEW STARTING DATE**

Manager Mitchell stated that the City Assessor is not available on Monday, March 11. He stated that the Assessor's regular scheduled work day is Tuesday, so the date is being moved to Tuesday, March 12<sup>th</sup>.

Commissioner Withee offered the following resolution and moved for its adoption, seconded by Commissioner Krueger.

**CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2019-01**

**RESOLUTION TO MOVE MARCH 2019 BOARD OF REVIEW START DATE**

WHEREAS, the City Assessor will be unable to attend the established start date for the 2019 March Board of Review which is the second Monday of March, March 11, 2019; and

WHEREAS, Michigan Compiled Law 211.30(2) allows the governing body of a city to authorize an alternative starting date of the Tuesday or Wednesday following the second Monday of March;

THEREFORE, BE IT RESOLVED, THAT THE Otsego City Commission hereby approves the starting date of the 2019 March Board of Review as Tuesday, March 12, 2019.

YEAS: Commissioners: Cyndi Trobeck, Nick Breedveld, Stacey Withee, Brent Milhiem & Lauri Krueger.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

**B. CONSIDERATION OF RESOLUTION NO. 2019-02 - A RESOLUTION WAIVING PENALTY FEES AND INTEREST FOR FAILURE TO FILE A PROPERTY TRANSFER AFFIDAVIT**

Manager Mitchell commented that the enforcement and collection of these fees and interest are difficult. A brief discussion took place regarding the amount of the fees and interest. Commissioner Breedveld commented that he is not in favor of waving fees because the information regarding property transfer affidavits are communicated at closing. Commissioner Breedveld offered the following resolution and moved for its adoption, seconded by Commissioner Milhiem.

CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2019-02

RESOLUTION WAIVING PENALTY FEES AND INTEREST  
FOR FAILURE TO FILE A PROPERTY TRANSFER AFFIDAVIT

WHEREAS, Section 211.27a, of the General Property Tax Act requires the buyer, grantee or other transferee of property to file a property transfer affidavit as prescribed by the State Tax Commission, with the appropriate Assessing Officer in the local unit of government in which the property is located; and

WHEREAS, Section 211.27b, of the General Property Tax Act imposes penalties for the failure to file a Property Transfer Affidavit after 45 days have elapsed; and

WHEREAS, Section 211.27b, of the General Property Tax Act provides that the local governing body may waive, by Resolution, the penalties levied for the failure to file a Property Transfer Affidavit; and

WHEREAS, the City of Otsego hereby waives the penalties for the failure to file a Property Transfer Affidavit within 45 days of transfer;

NOW THEREFORE BE IT HEREBY RESOLVED, that the Otsego City Commission hereby waives penalties under Section 211.27b, of the General Property Tax Act;

IT IS FURTHER RESOLVED, that the Clerk of the City of Otsego is hereby directed to send a certified copy of this Resolution to the City Assessor and to the Director of the Allegan County Equalization Department;

IT IS FURTHER RESOLVED, that all resolutions or parts of resolutions in conflict herewith are hereby repealed.

YEAS: Commissioners: Cyndi Trobeck, Stacey Withee, Brent Milhiem & Lauri Krueger.

NAYS: Commissioners: Nick Breedveld.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

C. CONSIDERATION OF RESOLUTION NO. 2019-03 – A RESOLUTION TO  
ESTABLISH THE 2019 POVERTY EXEMPTION POLICY

Commissioner Withee offered the following resolution and moved for its adoption, seconded by Commissioner Krueger.

CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2019-03

A RESOLUTION TO ESTABLISH 2019 POVERTY EXEMPTION POLICY

WHEREAS, the adoption of guidelines for poverty exemptions is required of the City Commission; and

WHEREAS, the principal residence of persons, who the City Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Act 390 of 1994 (MCL 211.7u); and

WHEREAS, pursuant to PA 390 of 1994, the City of Otsego, Allegan County adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year;

To be eligible, a person shall do all the following on an annual basis, not to exceed three consecutive years unless over the age of 65 or permanently disabled:

- 1) Be an owner of and occupy as a principal residence the property for which an exemption is requested.
- 2) File a claim with the supervisor/assessor or Board of Review, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year or a signed State Tax Commission Form 4988, Poverty Exemption Affidavit.
- 3) File a claim reporting that the combined assets of all persons does not exceed \$25,000. Assets include but are not limited to, real estate other than the principal residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.
- 4) Produce a valid driver's license or other form of identification if requested.
- 5) Produce, if requested, a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.
- 6) Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines.
- 7) The application for an exemption shall be filed after January 1, but one day prior to the last day of the December Board of Review. The filing of this claim constitutes an appearance before the Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.

The following are the 2018 federal poverty income guidelines which are updated annually by the United States Department of Health and Human Services. The annual allowable income includes income for all persons residing in the principal residence.

**Federal Poverty Guidelines Used in the Determination of Poverty Exemptions**

<b>Size of Family Unit</b>	<b>2018 Poverty Guidelines</b>
1	\$ 12,140
2	\$ 16,460
3	\$ 20,780
4	\$ 25,100
5	\$ 29,420
6	\$ 33,740
7	\$ 38,060
8	\$ 42,380
For each additional person	\$ 4,320

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the Board of Review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these reasons are communicated in writing to the claimant.

YEAS: Commissioners: Cyndi Trobeck, Nick Breedveld, Stacey Withee, Brent Milhiem, & Lauri Krueger

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

**D. CONSIDERATION OF RESOLUTION NO. 2019-04 – RESOLUTION TO AMEND THE 2018-2019 ANNUAL APPROPRIATIONS BILL**

Manager Mitchell stated that the Fire Department had recently received a grant from USG, in the amount of \$5000.00, for ropes and confined space training.

Commissioner Milhiem offered the following resolution and moved for its adoption, seconded by Commissioner Withee.

**CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2019-04**

**RESOLUTION TO AMEND THE 2018-2019 ANNUAL APPROPRIATIONS BILL**

WHEREAS, the Otsego City Commission approved the 2018-2019 Annual Appropriations Bill which limited amounts for expenditures and anticipated revenues for the 2018-2019 fiscal year; and

WHEREAS, certain activities and/or revenue sources will exceed previous projections; and

WHEREAS, the Otsego City Commission wishes to formally amend the annual appropriations bill in acknowledgement of the need for revisions,

THEREFORE, BE IT RESOLVED, that the Otsego City Commission hereby approves the following increases and decreases to the 2018-2019 Annual Appropriations Bill:

Public Safety Fund Revenues		
205-000-675.336	Fire Department Contributions	\$5,000
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Net Increase/(Decrease)		\$5,000

Public Safety Fund		
205-336-760.000	Fire Department – Minor Equipment	\$5,000
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Net Increase/(Decrease)		\$5,000

YEAS: Commissioners: Cyndi Trobeck, Nick Breedveld, Stacey Withee, Brent Milhiem, & Lauri Krueger

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

**VIII. APPOINTMENTS:**

- A. CONSIDERATION OF THE APPOINTMENT OF BOARD OF REVIEW MEMBERS – LINDA ELDRED, RICHARD DELONG, AND KAY STRONG TERMS TO EXPIRE DECEMBER 31, 2019

Commissioner Breedveld moved to confirm the Mayor’s appointment of Board of Review Members – Linda Eldred, Richard DeLong, and Kay Strong – terms to expire December 31, 2019, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

- B. CONSIDERATION OF THE APPOINTMENT OF LOCAL OFFICER’S COMPENSATION BOARD MEMBERS - DEB AGNE - TERM TO EXPIRE DECEMBER 2022; AND REAPPOINTMENT OF MICHAEL KUIPER TERM TO EXPIRE DECEMBER 2023

Commissioner Krueger moved to confirm the Mayor’s appointment of Deb Agne – term to expire December 2022 and the reappointment of Michael Kuiper – term to expire December 2023, to the Local Officer’s Compensation Board, seconded by Commissioner Milhiem. CARRIED UNANIMOUSLY

**IX. DISCUSSION ITEMS:**

**CITY MANAGER – PLANNING COMMISSION 2018 YEAR END REPORT**

Manager Mitchell gave an overview of the Planning Commission’s activities in 2018, and the upcoming activities in 2019.

## **MANAGER'S REPORT**

1. He gave updates on the following: MDOT Meeting - pedestrian safety at the main four corners; Jim Gilmore Foundation \$3,000; donation to the DDA/Main Street Flower Program; and Marijuana Public Hearing on January 21<sup>st</sup>.
2. He noted the following projects for 2019: Rock-Tenn property; downtown alley closure behind Maude's – DDA/ Main Street; Pickle Ball Courts - Rotary; new downtown businesses – Stout's Gear & Liquid Note; and the new Learn and Grow Preschool.
3. He asked for further questions or comments regarding his written Manager's report submitted to the Commission in their weekly packet.

## **COMMUNICATIONS**

None.

## **REMARKS FROM THE AUDIENCE**

Pat Peterson, 3057 125<sup>th</sup> Ave, Allegan – she asked when was the last time the Police Department's Policy and Procedures were reviewed. Mayor Trobeck stated she would gather the information and someone will contact her.

Robert Alway, 1012 Barton – he stated that he had forwarded an email to the City Clerk to distribute to the City Commission regarding the Community Advisory Group for the Allied Paper/Portage Creek/Kalamazoo River Superfund site. He stated that applications for membership have to be submitted by January 21, 2019.

Al Radspieler, Box 266, Hopkins – he commented that he was surprised that the Clerk, Mayor, City Manager and Chief of Police showed up at court regarding the Use of Force Report. He spoke of his homes on Platt Street and West Orleans Street – the assessed values and the condition of the homes. He stated that he wants the Commission to look at the houses. He commented that he has the best rentals in the City of Otsego. He stated that "he (Assessor) hit me hard". He stated that he would be at the Board of Review.

## **COMMISSIONERS' COMMENTS**

Commissioner Krueger – she commented that she is really excited about this upcoming year and the new businesses.

Commissioner Withee – she thanked USG and the Gilmore Foundation for their generous donations to the Fire Department and DDA/Main Street. She commented that the flowers in the downtown are a huge expense.

Commissioner Milhiem – he commented that recently Hutchen's Accounting moved into the City and had a ribbon cutting ceremony. He commented that if anyone is in need of a tax services, they are now open. He commented that he appreciates Mr. Radspieler's passion and stated that the Commission is here to listen and make things better for everyone in the community. He stated that they are here to help and be constructive. He welcomed the new businesses.

Mayor Trobeck – she thanked USG for the \$5,000, donation to the Fire Department and the \$3,000, from the Gilmore Foundation for the flowers in the downtown. She commented that things are going well for the City and moving in the right direction.

The meeting was adjourned on a motion by Commissioner Breedveld, seconded by Commissioner Krueger. CARRIED – 7:44 p.m.

Angela M. Cronen, MMC  
City Clerk