

A Regular Meeting of the Otsego City Commission was held Monday, January 21, 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 January 7, 2019, minutes were approved as submitted.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

None.

I. PRESENTATIONS:

A. COUNTY COMMISSIONER GALE DUGAN UPDATE

Commissioner Dugan gave a brief report on the County Commission Meeting held on January 10, 2019. Mayor Trobeck congratulated Commissioner Dugan for being appointed the Vice Chairman of the Allegan County Board of Commissioners.

II. PUBLIC HEARING:

A. ALLOWING MARIJUANA BUSINESSES WITHIN THE CITY OF OTSEGO

Manager Mitchell gave a presentation providing an overview of Proposition 1, types of marijuana businesses, types of regulations, reasons to opt in or opt out. He explained that the City Commission opted-out of allowing marijuana businesses by Ordinance in December 2018. He however stated that the City Commission can opt in at any time, by Ordinance. He stated that the City Commission requested a public hearing to listen to comments from the community regarding their decision. Manager Mitchell answered various questions relating to the facts of the law.

Mayor Trobeck opened the Public Hearing at 7:25 p.m.

Tim Hutchens, 800 Barton – he commented that he sees no benefit in opting in, except for the potential financial benefit. He stated that he didn't want to prevent someone from having marijuana for medical reasons who needs it. He stated that this is not for Otsego and he does not want Otsego to be known for this. He commented that there are other ways to encourage businesses to come to Otsego. There are no benefits, but there are potential side effects – kids, careless parents, driving problems. He stated that he sees no reason to invite this to our community.

Ron Beattie, 213 E Franklin – he agreed with Mr. Hutchen's comments. He stated that he supports marijuana at home, but it shouldn't leak into other parts of town. He expressed that it would be dangerous and bring bad businesses into town. He stated that there are plenty of other places than in our town. He commented that there is no benefit.

Deb Beattie, 213 E Franklin – she stated that she is in favor of opting out. She stated the following: it would be a financial disaster; potential crime; the smell, it ruined Colorado, and unknown facts. She stated that she did not want it in our town and the City should opt out. She suggested more meetings. She commented that it is better somewhere other than our City and she would never want to deny anyone with cancer, but it is negative for our City.

Karen Tarpley, 414 W Franklin – she stated that she was in favor of opting in. She stated that everyone needs to have an open mind because there is a stigma attached to it. She commented that it is used for medical conditions and over eighty percent of the users are over the age of sixty years old. She asked that everyone keep an open mind.

Tim Beason, 709 Barton – he thanked Manager Mitchell for the presentation. He stated that he wants the City to opt out. He stated that the reasons presented say it all. He commented that he doesn't want any of those things in Otsego. He stated that there would be very little income for the City and the owner would be making the most. He stated people coming to town for those types of businesses would not shop at other stores, no City businesses would benefit. He stated that he agreed with all of the reasons to opt out.

There being no further comments, Mayor Trobeck closed the Public Hearing at 7:36 p.m.

III. PLANNING AND ZONING:

IV. ORDINANCES:

V. REQUESTS:

VI. AGREEMENTS

VII. RESOLUTIONS:

VIII. APPOINTMENTS:

IX. DISCUSSION ITEMS:

MANAGER'S REPORT

1. He gave updates on the following: Main Street alley closure (behind Maude's & M-89 Bar & Grill) and the Planning Commission Meeting on January 28th, at 7pm - he stated that legally all requests have to be reviewed by the Planning Commission and ultimately the City Commission.
2. 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

Karen Tarpley, 414 E Franklin – she asked if contaminants and what type could be stored at the Harding's facility. Manager Mitchell gave an overview of the process that will take place at the Planning Commission Meeting on Monday. He briefly explained that if rezoned, and the special use permit is granted – the building could be used as industrial storage.

Tim Beason, 709 Barton – he asked if the request for the Harding's building goes against the current Zoning Ordinance. Manager Mitchell confirmed that it does and that is why they are

requesting the property be rezoned from CBD (Central Business District) to C1 (Commercial). He asked if the requestors will be attending the meeting. Mayor Trobeck indicated that they would be present.

Deb Beattie, 213 E Franklin – she asked if the special use permit would allow the owners to not have to disclose what they are storing in the facility. Manager Mitchell stated that is not part of a special use permit.

Resident, 6099 9th Street, Kalamazoo – she asked what the zoning change would be. Manager Mitchell stated that they are requesting the property be rezoned from CBD (Central Business District) to C1 (Commercial), not Industrial.

Lori Beason, 709 Barton – she asked for explanation of the Special Use Permit that is being requested. Manager Mitchell explained the process of rezoning and if the zoning is changed they can/have requested a Special Use Permit for wholesale storage. He stated that a wholesale storage facility is only allowed in the C1 District with a Special Use Permit. She asked what would happen if the business left. He indicated that the zoning would remain the same, but the Special Use Permit ends when there is a new use in place.

Pat Peterson, 3057 125th Ave, Allegan – she requested a cost sheet for the FOIA she recently received. Mayor Trobeck instructed her to contact Clerk Cronen regarding FOIA questions. She asked if the City Treasurer and the City Assessor give monthly reports. She commented that she was told that the Police Department's Policies and Procedures Manual were private.

Al Radspieler, PO Box 266, Hopkins – he gave his comments on how to get a traffic control order and he knows someone who will do it. He stated that the State had passed a law regarding speed traps and the police are giving tickets out like crazy and it is illegal. He gave an overview of his property, the condition of the properties, and his disapproval of the taxes. He continued to invite the Commission to go look at his homes. He stated that he will go to the Board of Review.

Ron Beattie, 213 E Franklin – he asked if the rumors that the City was going to close down North Farmer Street were true. Manager Mitchell stated that the City is not closing North Farmer Street and possibly there was a confusion with the proposed closure of the alley.

COMMISSIONERS' COMMENTS

Commissioner Milhiem – he thanked everyone for attending the meeting. He stated that being new to the Commission he appreciates all of the conversations so that the Commission can make an informed decision.

Commissioner Withee – she concurred with Commissioner Milhiem's comments. She reminded everyone that the City Commission meetings take place the first and third Monday of each month, and she invited everyone to attend. She commented that the meetings are much more informational and true than social media.

Commissioner Krueger – she commented that this is her first big meeting with an audience. She stated that she is excited to be the voice of the audience. She commented that the Commission needs the community's opinion. She invited everyone to the meetings.

Commissioner Breedveld – he echoed the other Commissioner's comments. He stated that people should stay off of social media and call one of us (Commissioners). He stated that all of the Commissioner's phone numbers are available. He commented that he appreciated the

audience attending. He stated that the Commission is here to take the communities comments under advisement.

Mayor Trobeck – she thanked everyone for attending and voicing their opinions. She commented that there was good dialogue. She stated that very seldom do the Commissioners get asked questions or receive calls. She also encouraged anyone that has a question to call City Hall for clarification.

CLOSED SESSION - ATTORNEY CONSULTATION REGARDING RANSBOTTOM VS. CITY OF OTSEGO

A motion was made by Commissioner Krueger to go into closed session to consult with the City's attorney regarding trial or settlement strategy in connection with specific pending litigation because an open meeting would have a detrimental financial effect on the litigating or settlement position of the City, seconded by Commissioner Withee. **CARRIED UNANIMOUSLY. 8:00 p.m.**

A motion was made by Commissioner Breedveld to end the Closed Session, and return to the open meeting, seconded by Commissioner Withee. **CARRIED UNANIMOUSLY**

The meeting was adjourned on a motion by Commissioner Krueger, seconded by Commissioner Milhiem. **CARRIED – 8:41 p.m.**

Angela M. Cronen, MMC
City Clerk