

A Regular Meeting of the Otsego City Commission was held Monday, July 15, 2019.

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

The audience joined the Commission in the Pledge of Allegiance.

The June 1, 2019, Regular Minutes and Closed Minutes were approved as submitted.

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

None.

### **I. PRESENTATIONS:**

#### **A. FIREMEN PINNING CEREMONY**

Fire Chief Weber gave a brief overview of the training and education that is required of the new firefighters. He commended them for the time and effort they have put into completing the requirements to become an Otsego Firefighter. Fire Chief Weber introduced the following new firefighters:

- Rae Barlow
- Michael T. Bush
- Alexis Greenman
- Michael McGrail
- William McKim
- Drew McPherson
- Cameron Stevenson

At this time, City Clerk Cronen swore in firefighters: Rae Barlow, Michael T. Bush, Alexis Greenman, Michael McGrail, William McKim, Drew McPherson, and Cameron Stevenson.

Fire Chief Weber and Assistant Fire Chief Baker “pinned” the firefighters and also presented them with a plaque and their helmet shields. The Commission congratulated the new firefighters.

#### **B. ALLEGAN COUNTY COMMISSIONER GALE DUGAN**

Commissioner Dugan gave an update on the most recent County Commission activities.

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

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

### **IV. ORDINANCES:**

**V. REQUESTS:**

- A. CONSIDERATION OF A REQUEST FROM THE OTSEGO-PLAINWELL CHAMBER OF COMMERCE TO HOLD THEIR ANNUAL CREATIVE ARTS FESTIVAL ON SATURDAY, SEPTEMBER 28, 2019, AND CLOSE M-89 FROM 6 A.M. UNTIL 5 P.M.

Co-Chairman of the event, Clarissa McDonald was in attendance to answer questions of the Commission. She gave a brief overview of the new events planned for the festival. She commented that she appreciated the support of the City. Commissioner Milhiem moved to grant the request from the Otsego-Plainwell Chamber of Commerce to hold their Annual Creative Arts Festival on Saturday, September 28, 2019, and close M-89 from 6:00 a.m. until 5:00 p.m., seconded by Commissioner Withee. CARRIED UNANIMOUSLY

- B. CONSIDERATION OF VARIOUS REQUESTS FROM THE OTSEGO-PLAINWELL CHAMBER OF COMMERCE – FOR THE CREATIVE ARTS FESTIVAL ON SEPTEMBER 28, 2019

Commissioner Krueger moved to grant the request from the Otsego-Plainwell Chamber of Commerce, for the Creative Arts Festival on September 28, 2019, as presented, seconded by Commissioner Milhiem. CARRIED UNANIMOUSLY

- C. CONSIDERATION OF A REQUEST FROM THE COMMUNITY SHOPPER’S GUIDE TO HOLD A FREE GARAGE SALE EVENT ON AUGUST 1, 2, AND 3, 2019

Manager Mitchell explained that the City would be waiving the permit fee for August 1, 2, and 3, 2019. Commissioner Withee moved to grant the request from the Community Shopper’s Guide to hold a free garage sale event on August 1, 2, and 3, 2019, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

- D. CONSIDERATION OF A REQUEST FROM THE OTSEGO DISTRICT LIBRARY TO HOLD THEIR ANNUAL LYRICS ON THE LAWN

Manager Mitchell stated that the concerts will be held on each Thursday in August. Commissioner Milhiem moved to grant the request from the Otsego District Library to hold their Annual Lyrics on the Lawn, as presented, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

**VI. AGREEMENTS:**

- A. CONSIDERATION OF LICENSE AGREEMENT WITH THE OTSEGO-PLAINWELL CHAMBER OF COMMERCE FOR THE USE OF VARIOUS CITY STREETS, SIDEWALKS & CERTAIN OTHER PROPERTIES FOR THE CREATIVE ARTS FESTIVAL ON SEPTEMBER 28, 2019

Commissioner Krueger moved to authorize the Mayor and City Clerk to enter into a License Agreement with the Otsego-Plainwell Chamber of Commerce for the use of various City Streets, Sidewalks, & certain other properties for the Creative Arts Festival on September 28, 2019, seconded by Commissioner McNeese. CARRIED UNANIMOUSLY

**VII. RESOLUTIONS:**

**A. RESOLUTION NO. 2019-16 –A RESOLUTION TO AMEND THE 2019-2020 ANNUAL APPROPRIATIONS BILL**

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

**CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2019-16**

**RESOLUTION TO AMEND THE 2019-2020 ANNUAL APPROPRIATIONS BILL**

WHEREAS, the Otsego City Commission approved the 2019-2020 Annual Appropriations Bill which limited amounts for expenditures and anticipated revenues for the 2019-2020 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 2019-2020 Annual Appropriations Bill:

Major Street Fund		
202-464-802.000	Surface Maintenance Contracts	\$9,000
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	Net Increase/(Decrease)	\$9,000

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

**B. RESOLUTION NO. 2019-17 -A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 28, 2019**

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

CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2019-17

A RESOLUTION REQUESTING PERMISSION FROM THE  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 28,  
2019

WHEREAS, the City of Otsego hereinafter referred to as the "GOVERNMENTAL BODY" from time to time makes application to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT" for permits, hereinafter referred to as "PERMIT", to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under state trunkline right of way at various locations within and adjacent to its corporate limits.

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT the GOVERNMENTAL BODY agrees that:

1. It will faithfully fulfill all permit requirements and will indemnify, save harmless, represent and defend the State of Michigan, Michigan Transportation commission, the DEPARTMENT, and all officer, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract from any and all claims of every kind for injuries to, or death of any and all persons and, for loss of, or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the presence of the GOVERNMENTAL BODY'S facilities and/or its installation, construction, operation, maintenance, or other activities which are being performed under the terms of the PERMIT on, over, and/or under the State trunkline right of way, except claims resulting from the sole negligence or willful acts or omissions of said DEPARTMENT, its officers, agents, employees, and contracting governmental bodies and officers, agents, and employees thereof, performing permit activities.
2. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the COMPANY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT.
3. It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State trunkline right of way resulting or arising out of the installation, construction, operation, and/or maintenance of the GOVERNMENTAL BODY'S facilities pursuant to a PERMIT issued by the DEPARTMENT.

4. The incorporation by the DEPARTMENT of this Resolution as part of a PERMIT does not preclude the DEPARTMENT requiring additional performance security or insurance when deemed necessary by the DEPARTMENT.
5. This Resolution shall continue in force from the date hereof until cancelled by the GOVERNMENTAL BODY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL BODY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the City Manager or City Clerk of the City of Otsego are hereby authorized to make application to the Michigan Department of Transportation for the necessary permit to work within state trunkline rights of way on behalf of the GOVERNMENTAL BODY.

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

C. RESOLUTION NO. 2019-18 – A RESOLUTION TO AUTHORIZE CONSUMERS ENERGY COMPANY TO MAKE CHANGES TO THE LIGHTING SYSTEM COVERED IN THE STANDARD LIGHTING CONTRACT DATED SEPTEMBER 1, 2013

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

CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2019-18

RESOLUTION TO AUTHORIZE CONSUMERS ENERGY COMPANY TO MAKE CHANGES TO THE LIGHTING SYSTEM COVERED IN THE STANDARD LIGHTING CONTRACT DATED SEPTEMBER 1, 2013

RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the lighting service as provided in the Standard Lighting Contract between the Company and the City of Otsego, dated September 1, 2013, in accordance with the Authorization for Change in Standard Lighting Contract dated July 15, 2019, heretofore submitted to and considered by this Commission; and

RESOLVED, further, that the City Clerk be and are authorized to execute such authorization for change on the behalf of the City.

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

### **VIII. APPOINTMENTS:**

- A. CONSIDERATION OF APPOINTING MANAGER MITCHELL TO VOTE THIS YEARS BOARD OF TRUSTEES BALLOT FOR THE MICHIGAN MUNICIPAL LEAGUE'S WORKER'S COMPENSATION FUND

Commissioner Withee moved to confirm the appointment of Manager Mitchell to vote this year's Board of Trustees Ballot for the Michigan Municipal League's Worker's Compensation Fund, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

- B. CONSIDERATION OF THE MAYOR'S APPOINTMENT OF COMMISSIONER MCNEES TO THE FIRE DEPARTMENT COMMITTEE

Commissioner Withee moved to confirm the Mayor's appointment of Commissioner McNees to the Fire Department Committee, seconded by Commissioner Milhiem. CARRIED UNANIMOUSLY

### **IX. DISCUSSION ITEMS:**

#### **MANAGER'S REPORT**

1. He gave updates on the following: Chamber Golf Outing; Mud Volleyball; Consumers Energy grant; and the EPA Meeting at City Hall tomorrow.
2. He congratulated the new firefighters. He also thanked and complimented Chief Weber on a good job.
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**

None.

## **COMMISSIONERS' COMMENTS**

Commissioner Milhiem – he congratulated the new firefighters. He commented that the recent ceremonies and presentations for the firefighter saves and the pinning's of the new firefighters is great to have at the Commission meetings. He reminded everyone to enjoy the summer. He stated that he recently attended a Gus Macker event in Hastings and is very excited for Otsego to host the Gus Macker.

Commissioner Withee – she commended the new firefighters, and stated that it will be a continuing learning process. She thanked the Shopper's Guide for having the free garage sale event. She also commented that the Creative Arts Festival is a terrific event.

Commissioner Krueger – she thanked Fire Chief Weber for bringing the new firefighters to the Commission Meeting for their pinning ceremony. She gave the new firefighters a heartfelt congratulations. She welcomed Commissioner McNees. She thanked Clarissa McDonald for all of her work on the Creative Arts Festival.

Commissioner McNees – he congratulated Fire Chief Weber and the new firefighters. He commented that he is looking forward to working with this Commission. He thanked the Union Enterprise and Dan Pepper for the nice write-up in the paper. He thanked the audience for attending.

Mayor Trobeck – she thanked Clarissa McDonald for her work on the Creative Arts Festival. She welcomed the new firefighters and thanked Fire Chief Weber for the presentation. She thanked Commissioner Dugan for his report. She commented that it was an amazing weekend in the downtown with all of the activities taking place at the Riverfront. She commented that the proposed Pavilion will add a lot to the riverfront. She stated that the Lyrics on the Lawn is a great event.

The meeting was adjourned on a motion by Commissioner Milhiem, seconded by Commissioner Krueger. CARRIED – 7:46 p.m.

Angela M. Cronen, MMC