

A Regular Meeting of the Otsego City Commission was held Monday, December 17, 2018.

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 3, 2018, minutes were approved as submitted.

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

### **I. PRESENTATIONS:**

#### **A. BOB GENETSKI, COUNTY CLERK**

He gave an overview and update of the activities in the County Clerk's Office and the Register of Deed's Office. He gave a report on the 2018 August and November Elections. Clerk Genetski also reviewed his department's Annual Report.

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

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

### **IV. ORDINANCES:**

#### **A. SECOND READING AND ADOPTION OF ORDINANCE NO. 163 - AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF OTSEGO BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION V OF CHAPTER 14 OF SAID CODE AND BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 97 OF CHAPTER 46 OF SAID CODE**

Manager Mitchell commented that Ordinance No. 163, would prohibit recreational marijuana businesses. He stated that the City Commission will conduct public hearings in January to hear the communities input and receive more direction from the State. Ordinance No. 163, was presented for the second reading with no comments.

Commissioner Withee offered Ordinance No. 163 and moved for its adoption, supported by Commissioner Milhiem.

## **CITY OF OTSEGO ALLEGAN COUNTY, MICHIGAN**

### **ORDINANCE NO. 163**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF OTSEGO BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION V OF CHAPTER 14 OF SAID CODE AND BY ADDING A NEW SECTION WHICH NEW SECTION SHALL BE DESIGNATED AS SECTION 97 OF CHAPTER 46 OF SAID CODE**

**THE CITY OF OTSEGO ORDAINS:**

**Section 1. Addition of Section 100 to Chapter 14.** Section 100, “Prohibition of Marihuana Establishments,” is added to Chapter 14, “Businesses Licensing,” of the Code of Ordinances of the City of Otsego to read as follows:

**SECTION 14-100 PROHIBITION OF MARIHUANA ESTABLISHMENTS**

(A) Pursuant to the provisions of Section 6.1 of the Michigan Regulation and Taxation of Marihuana Act (the “Act”), marihuana establishments, as defined by the Act, are completely prohibited within the boundaries of the City.

(B) Any applicant for a state or local license to establish a marihuana establishment, as defined by the Act, within the boundaries of the City shall be deemed to be not in compliance with this Ordinance or with the Code of Ordinances amended by this Ordinance.

(C) This section does not supersede rights and obligations with respect to the transportation of marihuana through the City to the extent provided by the Act, and does not supersede rights and obligations under Michigan law allowing for or regulating marihuana for medical use.

**Section 2. Addition of Section 97 to Chapter 46.** Section 97, “Prohibition on Sale and Consumption of Marihuana in Public Places,” is added to Chapter 46, “[Offenses and Miscellaneous Provisions],” of the Code of Ordinance of the City of Otsego to read as follows:

**SECTION 97 PROHIBITION ON SALE AND CONSUMPTION OF MARIHUANA IN PUBLIC PLACES**

(A) In conformance with Sections 4.1(e) and 6.2(b) of the Act, [except as otherwise provided in this section, ]the sale or consumption of marihuana in any form and the sale or display of marihuana accessories, as defined by the Act, is prohibited in any public places within the boundaries of the City.

(B) Any person who violates any of the provisions of this section shall be responsible for a municipal civil infraction punishable by a civil fine of \$500, plus court-imposed costs.

(C) This section does not supersede rights and obligations with respect to the transfer and consumption of marihuana on private property to the extent authorized by the person who owns, occupies or operates such property, as provided in and authorized by the Act, and does not supersede rights and obligations with respect to the use of marihuana for medical purposes as provided by any law of the State of Michigan allowing for or regulating marihuana for medical use.

**Section 3. Conflict and Repeal.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

**Section 4. Effective Date.** The adoption of this ordinance is hereby declared an emergency effecting the public peace, health and safety and this ordinance shall, therefore, be effective immediately upon its adoption.

**Section 5. Publication.** After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in *The Union-Enterprise*, a newspaper of general circulation in the City.

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

ORDINANCE DECLARED ADOPTED.

**V. REQUESTS:**

**VI. AGREEMENTS**

**A. CONSIDERATION OF A CONTRACT FOR ECONOMIC DEVELOPMENT SERVICES WITH THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE**

Commissioner Milhiem moved to authorize the Mayor and City Clerk to enter into a contract for economic development services with the Otsego/Plainwell Chamber of Commerce, as presented, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

**VII. RESOLUTIONS:**

**VIII. APPOINTMENTS:**

**A. CONSIDERATION OF THE REAPPOINTMENT OF CHRISTINE KUBIAK TO THE COMMUNITY RECREATION COUNCIL, TERM ENDING JUNE 30, 2021**

Commissioner Krueger moved to reappoint Christine Kubiak to the Community Recreation Council, term ending June 30, 2021, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

**IX. DISCUSSION ITEMS:**

**MANAGER'S REPORT**

1. He gave updates on the following: Ron Lytle's funeral; loss of business owner Lucy Ortiz; and pedestrian safety at the main four corners.
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**

County Commissioner, Gale Dugan – he presented his County Commission Report. He wished everyone a Merry Christmas and safe holidays.

## **COMMISSIONERS' COMMENTS**

Commissioner Milhiem – he wished everyone a Merry Christmas and a Happy New Year. He stated that he was looking forward to being on the Commission in 2019.

Commissioner Withee – she wished everyone Happy Holidays. She thanked the audience for attending. She commented that she is looking forward to 2019.

Commissioner Krueger – she wished everyone a Merry Christmas. She commented that she is looking forward to next year and feels that the Commission can accomplish a lot together.

Commissioner Breedveld – he wished everyone Happy Holidays. He commented that the staff and employees worked hard this year.

Mayor Trobeck – she echoed Commissioner Breedveld’s comments. She commented that Otsego has the best City Staff around and “we are blessed to have them”.

The meeting was adjourned on a motion by Commissioner Breedveld, seconded by Commissioner Krueger. CARRIED – 7:34 p.m.

Angela M. Cronen, MMC  
City Clerk