

A Regular Meeting of the Otsego City Commission was held Tuesday, September 3, 2019.

The meeting was called to order by Mayor Trobeck at 7:00 p.m. with the following Commissioners present: Stacey Withee, Dustin McNees and Brent Milhiem. Absent: Lauri Krueger. Also present City Manager Mitchell.

The audience joined the Commission in the Pledge of Allegiance.

Commissioner Withee moved to excuse Commissioner Krueger, seconded by Commissioner Milhiem. CARRIED UNANIMOUSLY

The August 19, 2019, Regular Minutes were approved as submitted.

**REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS**

None.

**I. PRESENTATIONS:**

**A. BY COUNTY COMMISSIONER GALE DUGAN**

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

Commissioner Krueger arrived at 7:04 p.m.

**II. PUBLIC HEARING:**

**III. PLANNING AND ZONING:**

**IV. ORDINANCES:**

**V. REQUESTS:**

**VI. AGREEMENTS:**

**VII. RESOLUTIONS:**

**A. CONSIDERATION OF RESOLUTION NO. 2019-19 – A RESOLUTION TO  
ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM**

Manager Mitchell explained MDOT has requested that all municipalities execute Resolutions for a Local Pavement Warranty Program. He explained that these Resolutions will be needed in the future for Act 51 funds.

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

CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2019-19

**RESOLUTION TO ADOPT A LOCAL PAVEMENT WARRANTY PROGRAM**

WHEREAS, the Michigan Legislature (MCL 247.663) requires each city or village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Local Agency Pavement Warranty Program was developed by the Local Agency Pavement Warranty Task Force for use by all 533 cities and villages in the format approved by the Michigan Department of Transportation in 2018;

WHEREAS, the Michigan Department of Transportation has reviewed and approved the Michigan Local Agency Pavement Warranty Program consisting of Special Provisions (Boilerplate, Concrete, HMA, Location, Pass-Through Warranty Bond); a Warranty Bond Form and Contract Form; and Guidelines for Local Agency Pavement Warranty Programs;

NOW THEREFORE BE IT RESOLVED, the City of Otsego hereby adopts the Michigan Local Agency Pavement Warranty Program and accompanying documents in accordance to the requirements of MCL 247.663;

BE IT FURTHER RESOLVED, this resolution is made a part of the minutes of the City of Otsego meeting on September 3, 2019.

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

**B. CONSIDERATION OF RESOLUTION NO. 2019-20 – A RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM**

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

**CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2019-20**

**RESOLUTION TO IMPLEMENT A LOCAL PAVEMENT WARRANTY PROGRAM**

WHEREAS, The Michigan Legislature created a requirement (MCL 247.663) as part of the Transportation Funding Package of 2015 that requires each city and village to adopt a Local Agency Pavement Warranty Program that was approved by the Michigan Department of Transportation in 2018;

WHEREAS, the City of Otsego adopted the Michigan Local Agency Pavement Warranty Program on September 3, 2019;

WHEREAS, the City of Otsego agrees to consider a local pavement warranty on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds;

WHEREAS, the Local Agency Pavement Warranty Program law requires each city and village to report annually on each project that includes \$2 million or more in paving-related items *and* includes any state or federal funds, whether or not a warranty was utilized in the project;

WHEREAS, the City of Otsego agrees to implement the Michigan Local Agency Pavement Warranty Program consistent with the Guidelines for Local Agency Pavement Warranty Program document that was approved by the Michigan Department of Transportation in 2018; and which the City of Otsego's adopted Implementation Policy defines the City of Otsego's intent of its pavement warranty program;

NOW THEREFORE BE IT RESOLVED, the City of Otsego hereby agrees to implement the Local Agency Pavement Warranty Program and annually report in accordance with the law.

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

#### **VIII. APPOINTMENTS:**

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

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

1. He gave updates on the following: Gus Macker; new mural at Our Table – thanked Tim Campbell; Pavilion Crowd Funding Project; and the Chief of Police job posting.
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**

Jim Zadny, 515 Kalamazoo Street – he stated that he would like to see the Commission adopt an ordinance for trailers. He explained that he has to look at a 30-34 foot trailer parked in his neighbor's yard. He distributed pictures to the Commission. Mr. Zadny stated that City needs to create or update an ordinance to not allow or limit the size of trailers – his suggestion was nothing over six feet in height. He stated that they are an eyesore and need to be stored in storage facilities. He stated that he called and talked with the City Manager regarding this. Manager Mitchell stated that the trailer that he is referring to is in compliance. He also requested

that no “grandfathered in” clause be put in the ordinance. Mayor Trobeck stated that Manager Mitchell will research other community’s ordinances that refer to the size of recreational vehicles. Officer Gudith commented that if curb setbacks for recreational vehicles is enforced, more will be parking in the yards.

### **COMMISSIONERS' COMMENTS**

Commissioner Milhiem – he thanked the Gus Macker volunteers and all involved with the event. He stated that it brought so many people downtown and it was a great time. He encouraged everyone who can to give to the Pavilion Project.

Commissioner Withee – she thanked all of the City Staff for their assistance during the Gus Macker and the Gus Macker Committee appreciates the use of City Hall.

Commissioner Krueger – she asked to forgive her tardiness to the meeting. She commented that Gus Macker was awesome. She explained that this was the first year that her and her daughter had volunteered. She gave a huge shout out to Tim Campbell for his beautiful, perfect mural on the side of Our Table. She expressed that she is excited about the Pavilion Project.

Commissioner McNees – he commented that the Allegan County Animal Shelter is at full capacity and they are a kill shelter, so if anyone needs a fur friend, he encouraged everyone to look for a pet at the shelter.

Mayor Trobeck – she thanked Jim and Elizabeth Zadny for attending the meeting, as she knows they have a love for their neighborhood. She thanked the Commission for attending the Gus Macker, as every Commissioner was at the event and some volunteered. She commented that the mural that Tim Campbell did was amazing. She commented that Mr. Campbell is a very quiet, humble, talented man. She stated the Pavilion Fundraising Committee is excited to get the project started.

The meeting was adjourned on a motion by Commissioner Milhiem, seconded by Commissioner Krueger. CARRIED – 7:31 p.m.

Angela M. Cronen, MMC