

A Regular Meeting of the Otsego City Commission was held Monday, December 2, 2019.

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

The audience joined the Commission in the Pledge of Allegiance.

Commissioner McNees moved to excuse Commissioner Milhiem, seconded by Commissioner Withee. CARRIED

The November 18, 2019, Regular Meeting Minutes were approved as submitted.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

None.

I. PRESENTATIONS:

A. UPDATE FROM COUNTY COMMISSIONER DUGAN

Commissioner Dugan gave an update on the most recent County Commission activities. He stated that if anyone ever has a question to contact him.

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

IV. ORDINANCES:

V. REQUESTS:

A. CONSIDERATION OF A REQUEST TO UPDATE THE CITY'S PERSONNEL MANUAL, AS PRESENTED

Manager Mitchell reviewed the proposed changes, deletions and updates to the Personnel Manual. These included: separation of on-call fire fighters; permanent part time employee's longevity status if hire full-time; retirement annuity – no current separation of job levels; holiday eligibility; sick leave bank; marijuana; and cell phone use policy. Commissioner Krueger moved to approve the City's updated Personnel Manual, as presented. Yes – Mayor Trobeck, Commissioner Krueger, Commissioner Withee. No –Commissioner McNees. CARRIED

VI. AGREEMENTS:

VII. RESOLUTIONS:

A. CONSIDERATION OF RESOLUTION NO. 2019-27 - A RESOLUTION OF SUPPORT FOR THE APPLICATION FOR FUNDING FROM THE MICHIGAN TOWNSHIP PARTICIPATING PLAN RISK REDUCTION GRANT PROGRAM

Manager Mitchell explained that Fire Chief Weber is requesting to submit a grant for Hotsticks Voltage Detectors, in the amount of \$1,920, to our liability insurance carrier. Fire Chief Weber gave an overview of the use of the Hot Sticks and answered questions of the Commission.

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

CITY OF OTSEGO
MICHIGAN
RESOLUTION NO. 2019-27

A RESOLUTION OF SUPPORT FOR THE APPLICATION FOR FUNDING
FROM THE MICHIGAN TOWNSHIP PARTICIPATING PLAN
RISK REDUCTION GRANT PROGRAM

WHEREAS, the City of Otsego is a member of the Michigan Township Participating Plan (Par Plan) since 2011, which provides the City with property and casualty insurance; and

WHEREAS, the City of Otsego has partnered with the Par Plan to cooperate in an effective risk management and loss reduction program; and

WHEREAS, to the extent that funds are available, the Par Plan Risk Reduction Grant Program (RRGP) was established in 2011 to help members reduce specific risk exposures; and

WHEREAS, the City of Otsego is applying for a Risk Reduction Grant to assist with the purchase of AC Hotstick Voltage Detectors for fire apparatus that respond to downed power line and associated emergency calls for service;

WHEREAS; the City of Otsego is applying for a \$1,920 grant towards the project; and

WHEREAS, the City of Otsego has a desire to protect the City during such emergency calls for service and provide the Otsego Fire Department the equipment necessary for the City to function during an emergency; and

WHEREAS, the addition of AC Hotstick Voltage Detectors would provide security to the citizens of the City of Otsego in times of power outages and allow the City to mitigate hazards and minimize losses to life and protect property by determining energized versus de-energized power lines; and

NOW THEREFORE BE IT RESOLVED that the City of Otsego City Commission supports and encourages the City of Otsego Fire Department to apply for funds from the Par Plan RRGP to be used towards the purchase of AC Hotstick Voltage Detectors.

YEAS: Commissioners: Cyndi Trobeck, Stacey Withee, Dustin McNees, and Lauri Krueger.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Brent Milhiem.

RESOLUTION DECLARED ADOPTED.

B. CONSIDERATION OF RESOLUTION NO. 2019-28 - A RESOLUTION OF THE CITY OF OTSEGO RELATING TO PUBLIC ACT 152 OF 2011 – THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT

Manager Mitchell explained that every year the City acknowledges Public Act 152, indicating that the employees pay a minimum of twenty percent of this health care premium.

Commissioner McNees offered the following Resolution and moved for its adoption, supported by Commissioner Krueger.

CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN

RESOLUTION NO. 2019-28

A RESOLUTION OF THE CITY OF OTSEGO RELATING TO PUBLIC ACT 152 OF 2011 – THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT

WHEREAS, the Publicly Funded Health Insurance Contribution Act or Public Act 152 of 2011, (PA 152) mandated certain cost-sharing obligations for public employee health insurance premiums and costs for medical benefit plan coverage years beginning after January 1, 2012; and

WHEREAS, if the City of Otsego (City) fails to comply with the mandates of PA 152, then the state treasurer is required to reduce by 10% each City, Village, and Township Revenue Sharing (CVTRS) payment received under 2011 PA 63; and

WHEREAS, the City has modified its Health Insurance Plans in an effort to meet the hard cap requirements of PA 152; and

WHEREAS, effective January 1, 2012, the City and its employees moved to a “high deductible health insurance plan,” and all City employees contribute twenty percent of their health care premiums, effective July 1, 2012; and

WHEREAS, Section 8 of the Act permits the “governing body” of “a local unit of government (which includes a city) to exempt itself from the requirements of this act for the next succeeding year.”

WHEREAS, even though the City strives to meet the requirements of PA 152, to avoid any possibility of a 10% reduction of City, Village, and Township Revenue Sharing (CVTRS) payments, the City of Otsego does, by a vote of 2/3 of its members, exempt itself from the provisions of PA 152 for one year beginning January 1, 2020, and

THEREFORE, BE IT RESOLVED that the City exempt itself from the requirements of PA 152 for one year beginning January 1, 2020, and pursuant to the Act no exemption beyond December 31, 2020, is intended or implied by this resolution, and

THEREFORE, BE IT FURTHER RESOLVED, pursuant to the Economic Vitality Incentive Program (EVIP) provisions of Public Act 63 of 2011, the City of Otsego City did produce a plan for implementing new compensation standards for, among other things, health insurance premium cost sharing by May 1, 2012, as required by Public Act 63.

YEAS: Commissioners: Cyndi Trobeck, Stacey Withee, Dustin McNees, and Lauri Krueger.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Brent Milhiem.

RESOLUTION DECLARED ADOPTED.

C. CONSIDERATION OF RESOLUTION NO. 2019-29- A PERFORMANCE
RESOLUTION REQUIRED BY THE MICHIGAN DEPARTMENT OF
TRANSPORTATION

Manager Mitchell explained that each year the City applies for a Right-of-Way application with MDOT, and if there are changes on the Commission or in administration, a resolution is required.

Commissioner McNees offered the following Resolution and moved for its adoption, supported by Commissioner Krueger.

CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN

RESOLUTION NO. 2019-29

A PERFORMANCE RESOLUTION REQUIRED BY THE MICHIGAN
DEPARTMENT OF TRANSPORTATION

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way," or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way."

RESOLVED WHEREAS, the City of Otsego hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, 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 Highway 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 AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, 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. Any claims against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof will be the sole responsibility of the GOVERNMENTAL AGENCY.

3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or Maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT MDOT 2207B (10/11) Page 2 of 2 5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, 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.

5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the

DEPARTMENT, and all officers, 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.

6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY 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 AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

1. Angela M. Cronen, City Clerk
2. Michael Bosch, DPW Supervisor
3. Aaron Mitchell, City Manager
4. Wightman, City's Engineering Firm

YEAS: Commissioners: Cyndi Trobeck, Stacey Withee, Dustin McNees, and Lauri Krueger.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Brent Milhiem.

RESOLUTION DECLARED ADOPTED.

**D. CONSIDERATION OF RESOLUTION NO. 2019-30 - A RESOLUTION
REGARDING SCHEDULING THE 2020 MEETINGS OF CITY OF OTSEGO
CITY COMMISSION**

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

**CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN**

RESOLUTION NO. 2019-30

**A RESOLUTION REGARDING SCHEDULING THE
2020 MEETINGS OF CITY OF OTSEGO CITY COMMISSION**

Whereas, pursuant to Section 5(2) of Act 266 of 1976, the Open Meetings Act, the Otsego City

Commission must establish and post notice of its regularly scheduled meetings; and

Whereas, Regular City Commission meetings are held at 7:00 PM local time, on the first and third Monday nights in the City Of Otsego Chambers located at 117 E. Orleans Street, Otsego, MI 49078, unless otherwise stated; and

Whereas, a regular meeting may be re-scheduled or a special meeting scheduled upon eighteen (18) hours posted notice; and

Whereas, questions regarding meetings should be directed to the City Clerk at 117 E. Orleans Street, Otsego, MI 49078, 269-692-3391;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the City of Otsego Commission Regular Meetings for 2020, are scheduled for the following dates:

January	6 and	20
February	3 and	17
March	2 and	16
April	6 and	20
May	4 and	18
June	1 and	15
July	6 and	20
August	3 and	17
September	8 and	21
October	5 and	19
November	2 and	16
December	7 and	21

YEAS: Commissioners: Cyndi Trobeck, Stacey Withee, Dustin McNeas, and Lauri Krueger.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Brent Milhiem.

RESOLUTION DECLARED ADOPTED.

E. CONSIDERATION OF RESOLUTION NO. 2019-31 – A RESOLUTION TO AMEND THE 2019-2020 ANNUAL APPROPRIATIONS BILL

Manager Mitchell stated that the resolution is being presented due to a clerical error in the previous amount requested for the street project on Dix Street/Washington Street. Commissioner Krueger offered the following resolution and moved for its adoption, seconded by Commissioner Withee.

CITY OF OTSEGO
MICHIGAN
RESOLUTION NO. 2019-31

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

YEAS: Commissioners: Cyndi Trobeck, Stacey Withee, Dustin McNees, and Lauri Krueger.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Brent Milhiem.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

IX. DISCUSSION ITEMS:

MANAGER'S REPORT

1. He gave updates on the following: M-89 pedestrian accident, MDOT changes to the downtown mast arms - signals – pedestrian signs; January 5, 2020, meeting with MDOT; new marketing campaign – played the City's new video; new Main Street t-shirts; and Hometown Christmas on December 7th, from 8am to 8pm.
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

Robert Alway, 1012 Barton – he asked Commissioner McNees why he voted against the Personnel Manual updates. Commissioner McNees explained that he had concerns with the new marijuana section.

Rosemary Parker, 338 W Franklin – she explained that she is an avid walker and has concerns with the downtown four corners crosswalks. She gave the Commission examples of incidents and near misses. She made many suggestions on how to make the area safer. She stated that she is happy that MDOT will be addressing the issue, but not happy that it will not be done until next summer. She also voiced her concern with people running the red lights. She offered to assist any way she could.

Jan Johnson, 330 W Franklin – she inquired about installing a left turn arrow in the turn lanes. Manager Mitchell commented that this idea had been presented to MDOT in the past and they indicated that it was not an option, but he will bring up the idea to them again and also the “no turn on red” suggestion.

Deb Agne, 237 W Orleans – she gave an update on the couple that were hit a few weeks ago.

COMMISSIONERS' COMMENTS

Commissioner Withee – she thanked the audience for attending and voicing their concerns regarding the crosswalks downtown. She stated that the DDA/Main Street Board meets the second Monday of each month at 7:30 a.m., at City Hall, if they would like to voice their concerns. She stated that she appreciated them coming forward, as it will give Manager Mitchell more information to present to MDOT. She stated that there will be a Santa Breakfast on Saturday at the Hometown Christmas event.

Commissioner Krueger – she thanked County Commissioner Dugan for his update. She thanked the ladies for voicing their concerns and coming to the meeting. She commented that there are issues with the crosswalks, but to be assured that Manager Mitchell will be working on it. She mentioned that there were a lot of people in the downtown for Small Business Saturday. She thanked Commissioner Withee and Main Street Manager Joel Saukas for their work on the event. She stated that she visited some of the new businesses in the downtown – Linen and Earth, and Smart and Simple. She reminded everyone of Hometown Christmas on Saturday, December 7th.

Commissioner McNees – he thanked the audience for attending. He thanked the ladies for voicing their concerns and coming to the meeting, and acknowledged that it can be frustrating. He thanked them for being persistent and helping the City. He thanked Robert Alway for his question.

Mayor Trobeck – she thanked Commissioner Withee for her efforts on Small Business Saturday. She thanked the ladies for coming to the meeting. She stated that she was sending prayers to the couple that was injured. She commented that she knows it is frustrating when crossing M-89. She stated that everyone is always welcome to come to the meetings and ask questions.

The meeting was adjourned on a motion by Commissioner McNees, seconded by Commissioner Withee. CARRIED – 7:45 p.m.

Angela M. Cronen, MMC
City Clerk