

A Special Meeting of the Otsego City Commission was held Monday, June 29, 2020.

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

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

Commissioner Withee moved to amend the agenda to include a presentation from Myrene Koch, seconded by Commissioner McNees. CARRIED.

The audience joined the Commission in the Pledge of Allegiance.

The June 1, 2020, Meeting Minutes were approved as submitted.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

None.

I. PRESENTATIONS:

A. COUNTY PROSECUTOR MYRENE KOCH

Prosecutor Koch announced that she is running for re-election. She gave a brief description of her background and qualifications. She explained what she would like to see in the next four years and noted the accomplishments of the past four years that she has been in office – one being the addition of Joey the canine advocate for the Allegan County Prosecutor's Office. She stated that she will run a positive campaign.

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

IV. ORDINANCES:

V. REQUESTS:

A. CONSIDERATION OF THE ADOPTION OF A RIOT POLICY

Manager Mitchell gave a brief overview as to why the Riot Policy came to fruition. He explained that with the out of control rioting in some cities and rumors of our City being a potential site, he felt a policy should be in place and not ignored, if ever needed. The policy was put together with Chief Misner as an emergency response plan, putting the Chief of Police in charge. He stated that the policy was not detailed because of the various potential circumstances. Commissioner Withee commented that she is concerned about the generalness of the policy. She stated that she is blessed to live in the city and feels that she feels incredibly safe. She commented that she needs more information, as she doesn't know what happens in certain situations and some of the policies of the Police Department. She stated that there needs to be a broader conversation because it is our job to worry about it. Police Chief Misner commented that if Commissioner Withee had any specific questions, he would be glad to answer them.

Manager Mitchell explained that the policy puts in place a command system, putting the Police Chief in charge. He stated that it is general because we can't define what could happen. A lengthy discussion took place with Police Chief Misner answering various questions of the Commission and him explaining that training and tools are needed. Mayor Trobeck commented that the Riot Policy has the tools that are needed. She stated that training and equipment will be needed, but this is the first step. She commented that we have to plan for the worst and hope for the best. Manager Mitchell commented that the written policy outlines what is expected of the Police Department and the first steps. Commissioner Milhiem commented that he supports the funding of the Police Department and that reform is inevitable and he can't believe that this even has to be considered in our town. He commented that he believes in training and that the first step should be getting training and know how to deescalate situations. He commented that the policy needs to go further and spell out specific training. At this time, the officers that were in attendance were asked for their opinions on the policy. Chief Misner stated that we need to be ready and prevent this from happening, and that the tools that are needed are situation specific. Manager Mitchell stated that this is why the policy was intentionally left general. Commissioner Withee asked if there is a doubt that the Police Officers wouldn't do what Chief Misner told them to do. Manager Mitchell stated that Chief Misner and his expertise might not be here, that is why the policy is objective and not subjective. Manager Mitchell commented that the policy was drafted with the intention of keeping our people safe, our community safe, and our officers safe. Mayor Trobeck stated that the policy is a template for all riots in a general place. She also commented that if there are questions regarding policies of the Police Department, Chief Misner can answer those questions. She stated that the Commission needs to become familiar with polices and what is going on in the department, as citizens often ask the Commissioners. Commissioner McNees asked if any riot equipment had been purchased. Police Chief Misner stated that the department had purchased shields and helmets. Commissioner McNees asked why body cameras were not included in the policy and not purchased. Manger Mitchell stated that he had contacted the City's legal counsel and body cameras can't just be used in cases of riots, they would have to be used at all times. Police Chief Misner stated that there is a significant cost to purchasing body cameras and the equipment needed to maintain them. Chief Misner stated that a local jurisdiction recently purchased body cameras for six officers and the cameras were \$45,000. He explained all of the equipment needed to legally maintain the body cameras. Manager Mitchell stated that there is not an excess in the budget to purchase them. Commissioner McNees commented that the body cameras should be part of the Riot Policy and used only for riots. Mayor Trobeck commented that the Riot Policy is a template so that we know the chain of command and who we can call for assistance. Manager Mitchell commented that specific equipment is not called out for in the policy. A lengthy discussion took place regarding body cameras. Mayor Trobeck concluded that the Riot Policy is to organize and protect our officers and that the body cameras are a great tool, but we have to be fiscally responsible. She suggested that there should be a conversation regarding body cameras and a Body Camera Policy in the future. Commissioner Milhiem asked what is considered a riot and commented that when any type of violence breaks out, he agrees that body cameras cost a lot, until something happens.

Commissioner Milhiem moved to adopt the Riot Policy, second by Commissioner Withee.
NOT CARRIED – Milhiem – No; Withee – No; McNees – No; Trobeck – Yes.

B. CONSIDERATION OF A REQUEST FROM THE CITY CLERK TO CLOSE CITY HALL ON AUGUST 4, 2020 AND NOVEMBER 3, 2020, AND UTILIZE CITY HALL STAFF AS ELECTION INSPECTORS, DUE TO COVID-19 RESTRAINTS

Clerk Cronen explained that it would be beneficial to use the sneeze guards and the entire facility during the election for the safety of the voters and the election workers. She explained that most of the City Hall staff is certified as election inspectors, which is very beneficial especially when regular election inspectors are choosing not to work at the elections this year. Commissioner Milhiem moved to grant the request from the City Clerk to close City Hall on August 4, 2020 and November 3, 2020, and utilize City Hall Staff as Election Inspectors, due to COVID-19 restraints, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

C. CONSIDERATION OF A REQUEST FROM THE COMMUNITY SHOPPER'S GUIDE TO HOLD A FREE GARAGE SALE EVENT ON AUGUST 6, 7, AND 8, 2020

Commissioner Milhiem moved to grant the request from the Community Shopper's Guide to hold a Free Garage Sale Event on August 6, 7, and 8, 2020, seconded by Commissioner Withee. CARRIED UNANIMOUSLY.

VI. AGREEMENTS:

A. CONSIDERATION OF THE AWARDING OF THE BIDS FOR THE DDA/MAIN STREET PAVILION

Manager Mitchell reviewed the bids and indicated that the bids did not include electrical quotes. Commissioner Withee moved to award the bid for the DDA/Main Street Pavilion to Delta Construction, as presented, seconded by Commissioner Milhiem. CARRIED UNANIMOUSLY

B. CONSIDERATION OF CITY OF OTSEGO AND OTSEGO HISTORICAL SOCIETY MUSEUM LEASE AGREEMENT ALTERATION

Manager Mitchell gave an overview of the City's lease to the Otsego Historical Society. The lease is due to be renewed in September. The DDA/MS Board recommended a month to month lease. Commissioner McNees moved to authorize the City Manager to seek out a modified agreement for the City and the Otsego Historical Society, with shorter terms, seconded by Commissioner Withee.

VII. RESOLUTIONS:

A. CONSIDERATION OF RESOLUTION NO. 2020-14 – A RESOLUTION TO AMEND THE 2019-2020 ANNUAL APPROPRIATIONS BILL

Manager Mitchell stated that this resolution was prepared by Finance/Treasurer Storbeck. A lengthy conversation took place regarding the balancing of the accounts within the resolution. Manager Mitchell contacted Finance Director Storbeck and confirmed the resolution numbers, explaining that these were the accounts that went over budget and adjustments were made to balance the budget. Commissioner McNees offered the following resolution and moved for its adoption, seconded by Commissioner Milhiem.

CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN
RESOLUTION NO. 2020-14

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:

General Fund Revenues		
101-000-628.000	City Labor & Materials	\$13,000
Net Increase/(Decrease)		\$13,000

General Fund Expenditures		
101-265-760.000	City Hall - Minor Equip Purchase	(\$4,900)
101-265-931.000	City Hall - Bldg & Grounds Maint	\$16,000
101-443-802.000	City Hall - Equip Maintenance	\$600
101-443-802.000	General Services - Contracts	\$18,000
101-443-929.000	General Services - Lawn Maintenance	\$10,000
Net Increase/(Decrease)		\$39,700

Major Street Fund Expenditures		
202-483-550.000	Administration - Banking Charges	\$500
202-901-970.000	Capital Improvements - Capital Outlay	\$7,500
Net Increase/(Decrease)		\$8,000

Local Street Fund Expenditures		
203-467-706.000	ROW Maint - DPW Wages	\$5,000
203-467-716.000	ROW Maint - Health Insurance	\$2,600
203-467-718.000	ROW Maint - Retirement	\$500
203-467-940.000	ROW Maint - Equipment Rental	\$2,000
203-469-706.000	Drainage - DPW Wages	\$3,200
203-469-716.000	Drainage - Health Insurance	\$1,500
203-901-970.000	Capital Improvements - Capital Outlay	\$54,000
203-901-970.000	Capital Improvements - Land Purchases	\$5,745
Net Increase/(Decrease)		\$74,545

Public Safety Fund Revenues		
205-000-477.000	Bldg Permits	\$62,000
Net Increase/(Decrease)		\$62,000
Public Safety Fund Expenditures		
205-371-802.000	Bldg Insp - Bldg Inspection	\$61,000
Net Increase/(Decrease)		\$61,000
Street & Bridge Fund Expenditures		
211-991-801.000	Banking Charges	\$150
Net Increase/(Decrease)		\$150
Solid Waste & Recycling Fund		
225-525-802.000	Recycling Svc - Contracts	\$1,000
	Recycling Svc - Brush & Stump	
225-525-802.001	Grinding	\$1,000
225-525-802.002	Recycling Svc - Curbside pickup	\$2,500
Net Increase/(Decrease)		\$4,500
Capital Project Fund -Expenditures		
401-901-974.751	Land Improvements - Parks	\$5,100
401-901-975.441	Bldg Improvements - DPW	(\$28,000)
Net Increase/(Decrease)		(\$22,900)
Sewer Fund Expenditures		
590-539-716.000	Sewer Admin - Health Insurance	\$1,000
590-539-802.000	Sewer Admin - Contracts	\$5,400
590-539-961.000	Sewer Admin - Licenses & Permits	\$1,200
Net Increase/(Decrease)		\$7,600

YEAS: Commissioners: Cyndi Trobeck, Stacey Withee, Brent Milhiem, and Dustin McNees.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Lauri Krueger.

RESOLUTION DECLARED ADOPTED.

**B. CONSIDERATION OF RESOLUTION NO. 2020-15 - A RESOLUTION SETTING
A PUBLIC HEARING TO ESTABLISH A NEW INDUSTRIAL DEVELOPMENT
DISTRICT #26 FOR USG-OTSEGO PAPER**

Commissioner Milhiem offered the following resolution and moved for its adoption, supported by Commissioner Withee.

CITY OF OTSEGO
MICHIGAN

RESOLUTION NO. 2020-15

A RESOLUTION SETTING A PUBLIC HEARING TO
ESTABLISH A NEW INDUSTRIAL DEVELOPMENT DISTRICT #26
FOR USG-OTSEGO PAPER

WHEREAS, Act 198 of the Public Acts of Michigan of 1974, as amended ("Act 198"), provides for the establishment of plant rehabilitation districts and industrial development districts in local governmental units and also provides, within such districts, an exemption for certain taxes as an incentive to industries to renovate and expand aging facilities and to build and acquire new facilities; and

WHEREAS, USG – Otsego Paper has requested the establishment of a New Industrial Development District; and

WHEREAS, prior to establishing such district, it is necessary to first hold a public hearing at which the owners of affected property and any other resident or taxpayer of the City can be given and afforded an opportunity for a hearing on the establishment of the New Industrial Development District #26; and

WHEREAS, written notice of the public hearing must be given by certified mail to the owners of all real property within the proposed New Industrial Development District.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

(1) The Otsego City Commission shall hold a public hearing on Monday, July 20, 2020, at 7:00 p.m. in the Otsego City Hall, 117 E. Orleans Street, Otsego, Michigan at which it shall give and afford to the owners of property within the proposed New Industrial Development District and other residents or taxpayers of the City an opportunity to be heard on the establishment of the proposed New Industrial Development District to be comprised of the property described on the attached Exhibit A, which is incorporated by reference, and commonly known as 400 North Farmer Street, Otsego, Michigan,

(2) The City Clerk shall (i) notify in writing, by certified mail, return receipt requested, the owners of the property to be included within the proposed New Industrial Development District and (ii) publish a notice of that hearing in the Union Enterprise, which notice of the hearing shall be substantially in the form attached as Exhibit B hereto.

(3) That all resolutions or parts of resolutions in conflict with this resolution shall be and the same are rescinded.

YEAS: Commissioners: Cyndi Trobeck, Stacey Withee, Brent Milhiem, and Dustin McNees.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Lauri Krueger.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

A. CONSIDERATION OF THE REAPPOINTMENT OF SCOT REITENOUR AND KIM RAYBURN TO THE DDA/MAIN STREET BOARD, TERMS TO EXPIRE JULY 1, 2024

Commissioner Withee moved to reappoint Scot Reitenour and Kim Rayburn to the DDA/Main Street Board, terms to expire July 1, 2024, seconded by Commissioner McNees. CARRIED UNANIMOUSLY

IX. DISCUSSION ITEMS:

A. CONTINUED DISCUSSION RIOT POLICY

A lengthy discussion took place regarding the purchasing and the use of body cameras. Commissioner Withee commented that because of frivolous lawsuits we need to explore the purchasing of body cameras because a picture is worth a thousand words. Commissioner Milhiem commented that body cameras could be used for the public's safety. He stated that he trusts the police officers to make split second decisions, but their body cameras could show this – you don't need them until you do. Commissioner McNees commented that in a recent poll 88%-the vast majority of people support body cameras. He stated that we can make it (body cameras) work. Mayor Trobeck stated that we can't have the attitude that it will never happen here. At this point, she asked Police Chief Misner and the officers in attendance for their opinions. Mayor Trobeck asked Police Chief Misner if other local jurisdiction that just purchased body cameras had car dash cameras, like we do. He stated they did not. Mayor Trobeck cautioned the Commission to defer questions to someone who has "lived it" "experienced it". She asked Police Chief Misner to look into a body camera policy and the costs. She stated that she and the Commissioners have to answer questions of the public and it would be helpful to know this information. Commissioner Milhiem asked what the audio distance was on the dash cameras we currently have. Officer Weber stated 100 feet from the inside of a building and 300 feet outside. Police Chief Misner will find out what the area communities are equipped with. Commissioner Withee questioned why redaction equipment is needed. Manager Mitchell stated to comply with FOIA.

MANAGER'S REPORT

1. He gave updates on the following:
 - Thanked Prosecutor Koch for all she does for the County.
 - Downtown lights flickering.
 - Recent mill and fill project.
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

Ryan Lewis, Allegan County News – he asked how many people called about the flickering lights in the downtown. Manager Mitchell said they had received only a few calls.

COMMISSIONERS' COMMENTS

Commissioner McNees – he commented that they had a good discussion tonight and he was sad that Commissioner Krueger was not here. He commented that he appreciates Prosecutor Koch and all of the good things she has done. He thanked the three police officers in attendance who are the experts and commented he will be leaning on them for information. He thanked Ryan Lewis for attending.

Commissioner Withee – she also thanked the three police officers, commenting that they go above and beyond. She stated that there has to be a way for people to understand in our community that our police officers go above and beyond, which will give people more confidence and know that there is no doubt that everyone knows the Police Department protects Otsego. She commented that there was a lot of conversation tonight.

Commissioner Milhiem – he commented that there was a lot of good conversation and we learn from each other. He explained that he thought that the Riot Policy felt rushed. He commented that he respects Chief Misner's position, but would like to hear what the police officers need. He explained that the Commission is doing their due diligence by giving them the tools that they need. He commented that the contractors did a great job on road work that was just completed. He stated that he supports police officers, law enforcement, and first responders. He stated that they do great work interacting with the community and he appreciates everything they do.

Mayor Trobeck – she thanked all of our police officers and all law enforcement. She commented that it was a good conversation.

The meeting was adjourned on a motion by Commissioner Withee seconded by Commissioner McNees. CARRIED – 8:38 p.m.

Angela M. Cronen, MMC
City Clerk