

A Regular Meeting of the Otsego City Commission was held Monday, August 3, 2020.

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

The audience joined the Commission in the Pledge of Allegiance.

The July 20, 2020, Regular Meeting Minutes were approved as submitted.

**REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS**

None.

**I. PRESENTATIONS:**

**A. COUNTY COMMISSIONER GALE DUGAN UPDATE**

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

**II. PUBLIC HEARING:**

**III. PLANNING AND ZONING:**

**A. CONSIDERATION OF SITE PLAN APPROVAL FOR USG – OTSEGO PAPER, 320 NORTH FARMER STREET, REJECTS HANDLING BUILDING, AS RECOMMENDED BY THE PLANNING COMMISSION**

City Manager Mitchell stated that the site plan approval was pending the variance approval at the ZBA Meeting, which was granted. He stated that the storm water specifications are State guidelines, which will need to be followed. He commented that the City can only regulate the storm water going into the City's storm water system. Commissioner Krueger moved to approve the Site Plan for USG – Otsego Paper 320 N. Farmer Street, Rejects Handling Building, as recommended by the Planning Commissioner, seconded by Commissioner Withee.  
UNANIMOUSLY CARRIED

**IV. ORDINANCES:**

**V. REQUESTS:**

**A. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO HOLD THE CREATIVE ARTS FESTIVAL ON SEPTEMBER 26, 2020, AS PRESENTED**

Sue Cramer, Clarissa McDonald and Jenny Boerman were in attendance, representing the Otsego/Plainwell Chamber of Commerce and the Creative Arts Festival Committee. Commissioner McNees moved to grant the request from the Otsego/Plainwell Chamber of Commerce to hold the Creative Arts Festival on September 26, 2020, as presented, seconded by Commissioner Milhiem. CARRIED UNANIMOUSLY

**B. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO CLOSE M-89/ALLEGAN STREET FOR THEIR CREATIVE ARTS FESTIVAL CAR SHOW, ON SATURDAY, SEPTEMBER 26, 2020, AS PRESENTED**

Commissioner McNees moved to grant the request from the Otsego/Plainwell Chamber of Commerce to close M-89/Allegan Street for their Creative Arts Festival Car Show, on Saturday, September 26, 2020, as presented, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

**C. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO USE CERTAIN CITY PROPERTY, ON SATURDAY, SEPTEMBER 26, 2020, AS REQUESTED**

Commissioner McNees moved to grant the request from the Otsego/Plainwell Chamber of Commerce to use certain City property, on Saturday, September 26, 2020, as requested, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

**VI. AGREEMENTS:**

**A. CONSIDERATION OF A LICENSE AGREEMENT WITH OTSEGO - PLAINWELL CHAMBER OF COMMERCE CREATIVE ARTS FESTIVAL – SEPTEMBER 26, 2020**

Commissioner McNees moved to authorize the Mayor and City Clerk to enter into an agreement with the Otsego/Plainwell Chamber of Commerce for their Creative Arts Festival on September 26, 2020, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

**B. CONSIDERATION OF A LICENSE AGREEMENT WITH SPAY NEUTER EXPRESS**

Commissioner Milhiem moved to authorize the Mayor and City Clerk to enter into an agreement with the Spay and Neuter Express, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

**VII. RESOLUTIONS:**

**A. CONSIDERATION OF RESOLUTION NO. 2020-18 - A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 26, 2020, AS REQUESTED BY THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE FOR THEIR CREATIVE ARTS FESTIVAL**

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

CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2020-18

A RESOLUTION REQUESTING PERMISSION FROM THE  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 26, 2020, AS  
REQUESTED BY THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE  
FOR THEIR CREATIVE ARTS FESTIVAL

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, Stacey Withee, Lauri Kruger, Brent Milhiem, Dustin McNees.

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:
  - Primary Election tomorrow
  - Township Medical Services
  - Creative Arts Festival
  - Workshop before next meeting at 6:00 p.m.
2. He asked for further questions or comments regarding his written Manager's Report submitted to the Commission in their weekly packet. Commissioner McNees asked if an update could be given at the Workshop Meeting regarding the body cameras and the policy. Fire Chief Weber gave an overview of the EMS Agency License and the application process.

##### **COMMUNICATIONS**

Clerk Cronen – thanked the Commission for allowing City Hall to be closed on Election Day.

## **REMARKS FROM THE AUDIENCE**

Clarissa McDonald, Otsego/Plainwell Chamber – she thanked the Commission for allowing the Creative Arts Festival to go on.

## **COMMISSIONERS' COMMENTS**

Commissioner Milhiem – he congratulated USG – Otsego Paper on their new expansion being the City's largest employer. He stated the he appreciates the continued expansions and their commitment to the community. He thanked Commissioner Dugan for his report. He thanked the Creative Arts Festival Committee for their hard work and efforts to have the Creative Arts Festival. He commented that the festival will put a little normal back in our lives. He reminded everyone that it is their constitutional right and privilege to vote, and you should take advantage of it.

Commissioner Withee – she thanked USG – Otsego Paper for continuing to build and expand in the City, as it increases tax dollars and jobs. She commented that she is looking forward to the Creative Arts Festival.

Commissioner Krueger – she thanked Sue Cramer, Clarissa McDonald and Jenny Boerman, for their hard work on the Creative Arts Festival. She thanked County Commissioner Dugan for his report. She thanked Fire Chief Weber for his input regarding the EMS Agency License and the Township. She stated that the last City Commission Meeting was Ryan Lewis's last meeting to cover. She thanked Ryan Lewis of the Allegan County News for covering the City's meetings and the various other City events, over the years.

Commissioner McNees – he thanked the Creative Arts Festival Committee and commented that he is excited for the event. He will be attending the Creative Arts Festival Committee Meeting tomorrow.

Mayor Trobeck – she thanked USG – Otsego Paper for their continued investment in the community. She stated that she is very excited for the Creative Arts Festival and commented that the Rotary will have their annual turtle race and there will be a dunk tank this year. She thanked Fire Chief Weber for this efforts regarding the EMS Agency License and commented that she is very thankful for the Fire Department. She thanked County Commissioner Dugan for his continued updates, as they are appreciated. She commended and thanked Clerk Cronen for the job that she does and wished her luck on the election tomorrow. She reminded everyone to vote tomorrow.

The meeting was adjourned on a motion by Commissioner Milhiem seconded by Commissioner Withee. CARRIED – 7:33 p.m.

Angela M. Cronen, MMC  
City Clerk