

A Regular Meeting of the Otsego City Commission was held on Monday, October 5, 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, and Fire Chief Weber.

The audience joined the Commission in the Pledge of Allegiance.

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

The September 21, 2020, Regular, Workshop, and Closed Session Meeting Minutes were approved as submitted.

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

None.

### **I. PRESENTATIONS:**

#### **A. COUNTY COMMISSIONER GALE DUGAN UPDATE**

Commissioner Dugan updated the Commission and audience on current County activities

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

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

#### **A. CONSIDERATION OF A RECOMMENDATION FROM THE PLANNING COMMISSION TO AMEND THE CITY OF OTSEGO ZONING ORDINANCE; TO AMEND SECTION 2.10 DEFINITIONS AND SECTION 3.4 PERTAINING TO THE ACCESSORY BUILDINGS – SINGLE FAMILY ATTACHED RESIDENTIAL**

City Manager Mitchell gave an overview of the amendments. Commissioner Milhiem moved to amend the City of Otsego Zoning Ordinance; amending Section 2.10 – Definitions and Section 3.4 – Pertaining to the Accessory Buildings – Single Family Residential, as recommended by the Planning Commission, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

### **IV. ORDINANCES:**

### **V. REQUESTS:**

#### **A. CONSIDERATION OF THE ADOPTION OF THE HAZARD PAY POLICY**

City Manager Mitchell gave an overview of the Hazard Pay Policy and explained that it is a result of the Federal Cares Act. He indicated that both Police Chief Misner and Fire Chief Weber worked together on the application for the funding. He commented that this is for full time police officers and fire department employees who worked during COVID-19. Commissioner Milhiem moved to adopt the Hazard Pay Policy, seconded by Commissioner McNees. CARRIED UNANIMOUSLY

- B. CONSIDERATION OF A REQUEST FROM THE OTSEGO-PLAINWELL CHAMBER OF COMMERCE FOR VARIOUS STREET CLOSURES FOR A PARADE AND AN OPEN FIRE IN FRONT OF THE CHAMBER BUILDING DURING THE HOMETOWN CHRISTMAS EVENT ON DECEMBER 5, 2020, AS PRESENTED

Commissioner McNees moved to grant the request from the Otsego-Plainwell Chamber of Commerce for various street closures for a parade and an open fire in front of the Chamber Building during the Hometown Christmas event on December 5, 2020, as presented, seconded by Commissioner Withee. CARRIED.

- C. CONSIDERATION OF A REQUEST FROM THE OTSEGO-PLAINWELL CHAMBER OF COMMERCE TO DISPLAY “LIFE-SIZE” CHRISTMAS CARDS AT BROOKSIDE PARK FROM DECEMBER 1, 2020, THROUGH JANUARY 3, 2021

Commissioner McNees moved to grant the request from the Otsego-Plainwell Chamber of Commerce to display “Life Size” Christmas Cards at Brookside Park from December 1, 2020, through January 3, 2021, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

- D. CONSIDERATION OF A REQUEST FROM OTSEGO DDA/MAIN STREET TO CLOSE M-89 FROM NORTH STREET TO FAIR STREET, FARMER STREET FROM ORLEANS TO COURT STREET, AND FAIR STREET FROM ORLEANS TO M-89; AND VARIOUS SIDEWALKS - FROM 4:00 P.M. UNTIL 8:00 P.M. FOR THE LIGHTING OF THE CHRISTMAS TREE AND OTHER EVENTS AT VARIOUS TIMES THROUGHOUT THE DAY ON DECEMBER 5, 2020

Commissioner Milhiem moved to grant the request from the Otsego DDA/Main Street to Close M-89 from North Street to Fair Street, Farmer Street from Orleans to Court Street, and Fair Street from Orleans to M-89; and various sidewalks – from 4:00 p.m. to 8:00 p.m. for the lighting of the Christmas Tree and other events at various times throughout the day on December 5, 2020, seconded by Commissioner McNees. CARRIED UNANIMOUSLY

## **VI. AGREEMENTS:**

- A. CONSIDERATION OF LICENSE AGREEMENT WITH THE OTSEGO-PLAINWELL CHAMBER OF COMMERCE FOR THE USE OF VARIOUS CITY STREETS, & SIDEWALKS FOR THE HOMETOWN CHRISTMAS PARADE AND ACTIVITIES ON DECEMBER 5, 2020

Commissioner Milhiem moved to authorize the Mayor and City Clerk to enter into a License Agreement with the Otsego-Plainwell Chamber of Commerce for the use of various City Streets, and Sidewalks for the Hometown Christmas Parade and Activities on December 5, 2020, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

- B. CONSIDERATION OF LICENSE AGREEMENT WITH OTSEGO DDA/MAIN STREET FOR THE USE OF VARIOUS CITY STREETS, SIDEWALKS & CERTAIN OTHER PROPERTIES FOR THE HOMETOWN CHRISTMAS ACTIVITIES ON DECEMBER 5, 2020

Commissioner McNees moved to authorize the Mayor and City Clerk to enter into a License Agreement with the Otsego DDA/Main Street for the use of various Streets, Sidewalks, and

certain other properties for the Hometown Christmas activities on December 5, 2020, seconded by Commissioner Milhiem. CARRIED UNANIMOUSLY

**VII. RESOLUTIONS:**

**A. CONSIDERATION OF RESOLUTION NO. 2020-21 - A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, DECEMBER 5, 2020**

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

**CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2020-21**

**A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, DECEMBER 5, 2020, AS REQUESTED BY THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE & DDA/MAIN STREET FOR THEIR HOMETOWN CHRISTMAS PARADE & ACTIVITIES**

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, Brent Milhiem, Dustin McNees.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Lauri Krueger.

RESOLUTION DECLARED ADOPTED.

## **VIII. APPOINTMENTS:**

### **A. CONSIDERATION OF A REQUEST FROM THE MAYOR TO APPOINT CURT VISSER TO THE CONSTRUCTION BOARDS OF APPEALS, TERM TO EXPIRE APRIL 30, 2022**

Commissioner Milhiem moved to confirm the Mayor's appointment of Curt Visser to the Construction Board of Appeals, term to Expire April 30, 2022, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

**B. CONSIDERATION OF A REQUEST FROM THE MAYOR TO APPOINT CITY  
MANAGER MITCHELL TO THE COMMUNITY RECREATION COUNCIL,  
TERM TO EXPIRE JUNE 30, 2022**

Commissioner McNees moved to confirm the Mayor's appointment of City Manager Mitchell to the Community Recreation Council term to expire June 30, 2022, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

**IX. DISCUSSION ITEMS:**

**MANAGER'S REPORT**

1. He gave updates on the following:
  - Creative Arts Festival
  - Crayons For Kids Event
  - Executive Order canceled
  - Main Street Fall Decorating – October 10<sup>th</sup>, at 9:00 a.m.
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, commented that there is a blood drive at the Church of God tomorrow from noon to 5pm.

**COMMISSIONERS' COMMENTS**

Commissioner Withee – she thanked Mr. Visser for his willingness to serve on the Construction Board of Appeals. She commented that she is thankful for being part of the Creative Arts Festival and Crayons for Kids. She commented that our small town has a lot of community spirit.

Commissioner McNees – he thanked Clarissa and Jenny from the Chamber, all of the Creative Festival Committee Chairs, for a great Creative Arts Festival. He also thanked City Manager Mitchell and Mayor Trobeck for participating in the dunk tank at the Creative Arts Festival. He thanked Pam McQueer for the Crayons for Kids Event, as it speaks a lot about her character.

Commissioner Milhiem – he commented that his children enjoyed the Creative Arts Festival. He thanked the Main Street Board for their discussion at the Workshop Meeting earlier, as it was nice to have a face to face update and discussion. He stated in regards to the Hazard Pay Policy, that the Police Officers and the Firefighters are true heroes and is happy that we can give back to our employees. He commented that he supports having a Hometown Christmas parade as the community really looks forward to it, but we have to celebrate responsibly. He commented that he is excited and looking forward to the Recreation Council Meeting, to discuss reshaping the parks and looking into the future of the parks.

Mayor Trobeck – she commented that she had fun in the dunk tank at the Creative Arts Festival and it was a great festival. She commented that Commissioner McNees was amazing in the dunk

tank. She thanked Mayor Pro-Tem Withee for attending the Crayons for Kids Event in her absence and “waving the flag”, as it was appreciated. She thanked County Commissioner Dugan for attending the meeting and for his update.

## **CLOSED SESSION**

### **A. CONSIDERATION OF A MOTION TO GO INTO CLOSED SESSION TO DISCUSS SALE OF REAL PROPERTY – 123 GRANT**

Commissioner McNees moved to go into Closed Session to discuss the sale of City owned property, seconded by Commissioner Withee. CARRIED. 7:31 p.m.

Commissioner McNees moved to return to the Regular Meeting, seconded by Commissioner Milhiem. CARRIED. 7:47 p.m.

Commissioner Withee moved to authorize the Mayor and City Clerk to enter into a Purchase Agreement for the sale of real property located at 123 Grant Street with Buyer #3, as presented, seconded by Commissioner McNees. CARRIED UNANIMOUSLY

## **CLOSED SESSION**

### **A. CONSIDERATION OF A MOTION TO GO INTO CLOSED SESSION TO DISCUSS THE SALE OF REAL PROPERTY – 333 HELEN**

Commissioner McNees moved to go into Closed Session to discuss the sale of City owned property, seconded by Commissioner Milhiem. CARRIED 7:49 p.m.

Commissioner McNees moved to return to the Regular Meeting, seconded by Commissioner Withee. CARRIED 8:04 p.m.

Commissioner Withee moved to authorize the Mayor and City Clerk to enter into a Purchase Agreement with Ken Bleeker for the purchase of 333 Helen Street, seconded by Commissioner Milhiem. CARRIED UNANIMOUSLY

## **ADJOURN**

The meeting was adjourned on a motion by Commissioner McNees seconded by Commissioner Milhiem. CARRIED – 8:05 p.m.

Angela M. Cronen, MMC  
City Clerk