

A Regular Meeting of the Otsego City Commission was held on Monday, November 16, 2020.

The meeting was called to order by Mayor Trobeck at 7:00 p.m. with the following Commissioners present: Stacey Withee, Brent Milhiem, Lauri Krueger 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 November 9, 2020, Organizational Meeting Minutes were approved as submitted.

ITEMS TO BE ADDED TO THE AGENDA – UNDER RESOLUTIONS

Commissioner McNees moved to add the Consideration of Resolution No. 2020-27 and Resolution No. 2020-28, to the agenda, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

None.

I. PRESENTATIONS:

A. ALLEGAN COUNTY COMMISSIONER – GALE DUGAN

Commissioner Dugan was not in attendance.

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

IV. ORDINANCES:

A. FIRST READING OF ORDINANCE #166 – GROUND WATER ORDINANCE

City Manager Mitchell briefly explained the Ground Water Ordinance. He stated that the second reading and potential adoption will be at the December 21, 2020, meeting.

V. REQUESTS:

A. CONSIDERATION OF LONGEVITY BONUSES FOR NON-UNION EMPLOYEES

Commissioner Milhiem moved to approve the longevity bonuses for Non-Union Employees, as presented, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

B. CONSIDERATION OF HOLIDAY TURKEYS FOR CITY EMPLOYEES

Commissioner Krueger moved to approve the purchase of holiday turkeys for City employees, as presented, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

C. CONSIDERATION OF HAZARDOUS PAY FOR ELECTION WORKERS

City Manager Mitchell explained that Clerk Cronen had applied and received a \$5000.00, election grant. He explained that a majority of the funds were used for the purchase of the additional tabulator. He indicated that the grant also accounted for hazard pay for election workers. Commissioner McNees moved

to approve and increase the amount of Hazardous Pay for the Election Workers from \$100.00 as requested, to \$150.00, seconded by Commissioner Milhiem. CARRIED UNANIMOUSLY

D. CONSIDERATION OF RESCINDING THE OTSEGO/PLAINWELL CHAMBER'S HOMETOWN CHRISTMAS AGREEMENT; THE OTSEGO DDA/MAIN STREET HOMETOWN CHRISTMAS AGREEMENT; AND RESOLUTION #2020-18 – CLOSING OF M-89 FOR HOMETOWN CHRISTMAS

Commissioner Withee moved to rescind the Otsego/Plainwell Chamber's Hometown Christmas agreement, the Otsego DDA/Main Street Hometown Christmas agreement, and Resolution #2020-18 – for the closing of M-89 for the Hometown Christmas parade and activities, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY.

E. CONSIDERATION OF THE COVID – STAY AT WORK PLAN

Commissioner McNees moved to approve the COVID – Stay at Work Plan, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

F. CONSIDERATION OF A MONETARY DONATION TO THE FIRE DEPARTMENT'S MEMORIAL IN LIEU OF FUNDING FOR A CHRISTMAS PARTY

Commissioner Krueger moved to make a monetary donation to the Fire Department's Memorial in lieu of funding for the Fire Department's Annual Christmas party, seconded by Commissioner Milhiem. CARRIED UNANIMOUSLY.

VI. AGREEMENTS:

A. CONSIDERATION OF AN AGREEMENT WITH ALLEGAN COUNTY – SURCHARGE INTERLOCAL AGREEMENT 2021

City Manager Mitchell stated that the agreement is for ten years and is the twenty-five dollar fee on property taxes. Commissioner Milhiem moved to authorize the Mayor and City Clerk to enter into an agreement with Allegan County for the Surcharge Interlocal Agreement 2021, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

B. CONSIDERATION OF AN AGREEMENT WITH THE OTSEGO DDA/MAIN STREET FOR LIGHTING OF THE CHRISTMAS TREE

Commissioner Milhiem moved to authorize the Mayor and Clerk to execute an agreement with Otsego DDA/Main Street for lighting of the Christmas tree, seconded by Commissioner Krueger. UNANIMOUSLY NOT CARRIED

VII. RESOLUTIONS:

A. CONSIDERATION OF RESOLUTION NO. 2020-25 – A RESOLUTION APPROVING THE ANNEXATION OF PROPERTY

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

CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN

RESOLUTION NO. 2020-25

A RESOLUTION APPROVING THE ANNEXATION OF PROPERTY

WHEREAS, the City has received a petition for annexation, a copy of which is attached as Exhibit A and incorporated by reference, of land which is described in that petition; and

WHEREAS, RHS Commercial LLC, of 4112 Canterbury Avenue, Kalamazoo, Michigan, owns the following described real property:

PARCEL "B" DESCRIPTION TO BE TRANSFERRED TO PARCEL ID: 03-54-023-252-00;

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 23. TOWN 1 NORTH, RANGE 12 WEST, OTSEGO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN DESCRIBED AS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION; THENCE NORTH 89° 43' 13" WEST ON THE SOUTH LINE OF SAID SECTION 825.72 FEET TO THE EAST LINE OF "BARTON PLAT", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 14 OF PLATS, PAGE 66. ALLEGAN COUNTY RECORDS; THENCE NORTH 00° 01' 47" WEST (PLATTED AS NORTH 00° 02' 38" WEST) ON SAID EAST LINE 353.67 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING NORTH 00° 01' 47" WEST ON SAID EAST LINE 233.66 FEET; THENCE NORTH 39° 16' 42" EAST 78.07 FEET; THENCE SOUTH 52° 06' 48" EAST 171.00 FEET; THENCE NORTH 39° 16' 42" EAST 70.00 FEET; THENCE SOUTH 52° 06' 48" EAST 140.26 FEET; THENCE SOUTH 37° 55' 38" WEST 195.71 FEET; THENCE SOUTH 89° 16' 38" WEST 219.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.55 ACRES, MORE OF LESS.

(Collectively, the "Property"); and

WHEREAS, the owner of the property is desirous to combine adjacent parcels; and

WHEREAS, the Petition appears to be legal and sufficient in all respects; and

WHEREAS, the Property, as described above and depicted on the attached Exhibit A, is adjacent to the jurisdictional boundary of the City; and

WHEREAS, the Property is vacant and unoccupied; and

WHEREAS, the City Commission believes the City is better able to provide municipal services to the Property, and assure its development is consistent with the land use provisions of the City, if the City's boundaries are expanded to include the Property.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to the authority of the City as provided by Section 9 of the Home Rule Cities Act (1909 PA 279, as amended, MCL 117.9(8)), the Property is annexed to and incorporated within the jurisdictional boundaries of the City of Otsego.

2. The City Manager, City Clerk and City Attorney are directed to take any and all action necessary to effectuate this annexation, including, but not limited to, any required filing of certified copies of this Resolution with state, county or township officials.

3. All resolutions and parts of resolutions are, to the extent of any conflict with this Resolution, rescinded.

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

B. CONSIDERATION OF RESOLUTION NO. 2020-26 – A RESOLUTION FOR EXTENSIONS
OF CREDIT AND INCUMBENCY CERTIFICATE WITH PNC BANK

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

CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN

RESOLUTION NO. 2020-26

A RESOLUTION FOR EXTENSIONS OF CREDIT AND INCUMBENCY CERTIFICATE
WITH PNC BANK

The undersigned certifies as follows to PNC Bank, National Association (Bank);

WHEREAS, the City of Otsego, whos address is 117 East Orleans Street, Otsego, MI 49078
(Corporation); and

WHEREAS, unless previously delivered to the Bank, attached hereto is a true, complete and correct copy
of the articles or certificate of incorporation, the by-laws or regulations, or other organizational document,
with all amendments thereto as in effect on the date hereof, and

WHEREAS, the Corporation is a corporation formed under the laws of Michigan; the undersigned is the
duly elected and qualified Secretary or Assistant Secretary of the Corporation and the following is a true
copy of resolutions (the Resolutions) adopted at a meeting of the Board of Directors of the Corporation
pursuant to a notice and its articles or certificate of incorporation and its regulations or by-laws, and at
which a quorum was present, or adopted without a meeting by the written approval of all of the directors of
the Corporation, which adoption occurred on a date which is on or before the date of this certificate. The
Resolutions now stand of record on the books of the Corporation, are in full force and effect and have not
been modified or revoked in any manner whatsoever.

WHEREAS; commonly referred to as Section 5.1, to as any three officer(s) of the Corporation holding the titles set forth below, as verified by an incumbency certificate executed by a Secretary or Assistant Secretary of the Corporation:

Aaron K. Mitchell, City Manager, _____

Angela M. Cronen, City Clerk, _____

Matthew L. Storbeck, Finance Director, _____

are hereby authorized, at any time and from time to time: (A) to obtain financial services and products of any kind from the Bank or from any other direct or indirect subsidiary of The PNC Financial Services Group, Inc. (collectively, PNC), including but not limited to loans and other products involving the extension of credit; equipment leases; letters of credit; investment sweep products (whether or not related to a credit product); other treasury management services and products; and capital markets services and products, including but not limited to (x) interest or currency swaps, futures, options, collars, caps, floors, forward rate or other interest rate protection or similar arrangements or any foreign currency transaction or similar transaction providing for the purchase of one currency in exchange for the sale of another currency, (y) equity, credit, or other derivative products, and (z) asset securitizations and other receivables financing transactions; (B) to sell to or discount with PNC any personal property (tangible or intangible), at any time held by the Corporation and for such purpose to endorse, assign, transfer and deliver the same to PNC or its agent or designee; (C) to guarantee the payment and performance of the indebtedness and obligations of other person's or entities to PNC; (D) to create or cause the creation of any trusts or other special purpose entities required to be established in connection with any product or service obtained from PNC; (E) to pledge, assign, transfer, mortgage, grant a security interest in or lien on any real or personal property (tangible or intangible) of the Corporation to or in favor of PNC as collateral security for the payment and performance of all loans, advances, debts, liabilities, obligations, covenants and duties of the Corporation or of any other persons or entities to PNC (whether or not in connection with a guaranty of such other person's or entity's obligations to PNC); (F) to execute, accept, authorize agreement to and/or deliver to or in favor of PNC such agreements, documents and instruments, required or requested by PNC in connection with any of the foregoing products, services or actions, including but not limited to loan agreements, promissory notes or other evidence of indebtedness, guaranties, equipment leases, letter of credit reimbursement agreements, treasury management service agreements, interest rate or currency protection agreements, equity, credit and other derivative documents (on International Swap Dealers Association forms or otherwise), asset securitization and other receivables financing agreements, trust agreements or other indentures, collateral security documents (including but not limited to security agreements, financing statements, pledge agreements, assignments, mortgages or deeds of trust), and any supporting documents required by the terms of any of the foregoing agreements, documents or instruments; all in such form as may be requested by PNC and any of which may contain a warrant of attorney authorizing PNC to confess judgment against the Corporation for all sums due or to become due by the Corporation to PNC and/or a provision waiving the right to trial by jury; (G) to execute and deliver to or in favor of PNC any amendments, modifications, renewals or supplements of or to any of the foregoing agreements, documents or instruments; and (H) to take any other action requested, required or deemed advisable by PNC in order to effectuate the foregoing resolution, all such other actions being hereby approved, ratified and confirmed, and

THEREFORE MAY IT BE RESOLVED, that in connection with any extensions of credit obtained by any of the persons authorized in Section 5.1 above, that permit the Corporation to effect multiple advances or draws under such credit, any of the persons listed in Section 5.1 (or any other person designated in writing by any of the persons listed in Section 5.1) shall be authorized to request such advances or draws; and

THEREFORE MAY IT BE RESOLVED, that all past acts of officers of the Corporation in borrowing or obtaining credit from the Bank and in executing documents or otherwise entering into agreements and giving security on behalf of the Corporation are hereby ratified and confirmed, and

THEREFORE MAY IT BE RESOLVED, that the Bank is authorized to take any action authorized hereunder based upon: (i) the telephonic or electronic request of any person purporting to be a person authorized to act hereunder, (ii) the signature of any person authorized to act hereunder that is delivered to the Bank personally or by facsimile transmission, or (iii) the telex originated by any of such persons, tested in accordance with such testing procedures as may be established between the Corporation and the Bank from time to time, and

THEREFORE MAY IT BE RESOLVED, that a certified copy of these Resolutions be delivered to the Bank and that they and the authority vested in the persons specified herein will remain in full force and effect until a certified copy of a resolution of the Corporation revoking or modifying these resolutions and such authority has been delivered to the Bank, and

THEREFORE MAY IT BE RESOLVED, each of the above-named persons holds the office, title or status with the Corporation specified in Section 5.1 above and that following each person's name, his or her actual signature appears.

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

C. CONSIDERATION OF RESOLUTION NO. 2020-27 - A RESOLUTION OF THE
CITY OF OTSEGO RELATING TO PUBLIC ACT 152 OF 2011 – THE
PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT

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

CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN

RESOLUTION NO. 2020-27

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, 2021, and

THEREFORE, BE IT RESOLVED that the City exempt itself from the requirements of PA 152 for one year beginning January 1, 2021, 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, 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, Brent Milhiem, Dustin McNees, Stacey Withee,
Lauri Krueger.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

D. CONSIDERATION OF RESOLUTION NO. 2020-28 - A RESOLUTION
REGARDING SCHEDULING THE 2021 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. 2020-28

**A RESOLUTION REGARDING SCHEDULING THE
2021 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 2021, are scheduled for the following dates:

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

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

A. CONSIDERATION OF MAYOR'S APPOINTMENTS: CITY CLERK, CITY TREASURER, CITY ASSESSOR, CITY ATTORNEY, HEALTH OFFICER

Commissioner Krueger moved to confirm the Mayor's Appointments of: City Clerk, Angela Cronen; Treasurer, Matthew Storbeck; Assessor, Kevin Harris; Attorney, Marshall Grate – Clark Hill; and Health Officer, Aaron Mitchell; seconded by Commissioner Milhiem. CARRIED UNANIMOUSLY

B. CONSIDERATION OF DESIGNATION OF THE CITY DEPOSITORY

Commissioner Milhiem moved to confirm the Mayor's designation of PNC Bank as the City's Depository, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

C. CONSIDERATION OF THE MAYOR'S APPOINTMENT OF THE MAYOR AND COMMISSIONER MILHIEM TO THE PLANNING COMMISSION

Commissioner McNees moved to confirm the Mayor's appointment of Mayor Trobeck and Commissioner Milhiem to the Planning Commission, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

D. CONSIDERATION OF THE MAYOR'S APPOINTMENT OF THE MAYOR AND COMMISSIONER KRUEGER TO THE SALARY REVIEW COMMITTEE

Commissioner McNees moved to confirm the Mayor's appointment of Mayor Trobeck and Commissioner Krueger to the Salary Review Committee, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

E. CONSIDERATION OF THE MAYOR'S REAPPOINTMENT OF THE MAYOR AND COMMISSIONER MCNEES TO THE FIRE DEPARTMENT COMMITTEE

Commissioner Withee moved to confirm the Mayor's reappointment of Mayor Trobeck and Commissioner McNees to the Fire Department Committee, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

F. **CONSIDERATION OF THE MAYOR'S APPOINTMENT OF WIGHTMAN AS THE CITY'S ENGINEER OF RECORD**

Commissioner McNees moved to confirm the Mayor's appointment of Wightman as the City's Engineer of Record, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY

IX. DISCUSSION ITEMS:

MANAGER'S REPORT

1. He gave updates on the following:
 - Planning for upcoming Meetings with new restrictions.
 - COVID update and plans.
 - County Assessor Resolution will be presented at the December 21st Meeting.
2. He asked for further questions or comments regarding his written Manager's Report submitted to the Commission in their weekly packet.

COMMUNICATIONS

Clerk Cronen - thanked the Otsego Fire Department for their assistance on Election Day – assisting with the medical emergency and then sanitizing the Voting Area – not once but, twice. She also gave a special thank you to the Police Department – Officer Gudith, Office Weber and Chief Misner for assisting and keeping the peace under the extraordinary circumstance. She gave a special thank you to Officer Weber for assisting at the polls and interacting with each voter. She thanked the DPW for setting up the polling place. A special thank you to the Election Workers who will be recognized at a future meeting.

REMARKS FROM THE AUDIENCE

None.

COMMISSIONERS' COMMENTS

Commissioner McNees – he congratulated Ashlee Rose on her successful internship. He thanked City Manager Mitchell for putting together the COVID plans. He thanked Chief/Officer Weber for all he does. He congratulated Clerk Cronen on an amazing election.

Commissioner Krueger – she wished Ashlee Rose well after her internship. She commented that she is appreciated and does great work. She thanked City Manager Mitchell of putting together the Ground Water Ordinance, as it was a daunting task. She also thanked him for the COVID materials he has put together.

Commissioner Withee – she commented that the election was great and thanked Clerk Cronen and also Officer Weber for assisting with the election. She congratulated Ashlee Rose for all she did during her internship and wished her well in her future endeavors. She commented that she is very saddened that there will not be a Hometown Christmas event this year, but in 2021 they will out do themselves.

Commissioner Milhiem – he thanked the election workers. He commented that the election staff was very professional, friendly and the lines moved quickly considering the circumstances. He thanked Officer Weber for being friendly and waving, as it is great for community relations. He continued that by our officers acting professionally, it not only shows kids how helpful they are

but they also enforce the rules. He wished everyone a Happy Thanksgiving and to enjoy time with your families. He commented that he hopes COVID subsides.

Mayor Trobeck – she thanked Officer Weber, Clerk Cronen and the Elections workers for a fantastic election. She commented that they were very effective by their personal touch that they gave to each voter by explaining things. She thanked Clerk Cronen for her professionalism. She commented that she appreciates all that City Manager Mitchell does. She expressed her sadness that there will not be a Hometown Christmas event this year. She cautioned everyone to take COVID seriously.

ADJOURN

The meeting was adjourned on a motion by Commissioner McNees seconded by Commissioner Krueger. CARRIED – 7:52 p.m.

Angela M. Cronen, MMC
City Clerk