

A Regular Meeting of the Otsego City Commission was held on Monday, July 19, 2021.

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

The audience joined the Commission in the Pledge of Allegiance.

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

Commissioner Krueger moved to amend the agenda to include under Agreements – E. Consideration of a Three-Year Agreement with the Otsego/Plainwell Chamber of Commerce for certain services, seconded by Commissioner Milhiem. CARRIED.

The July 6, 2021, 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 was not in attendance.

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

IV. ORDINANCES:

V. REQUESTS:

A. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO HOLD THE CREATIVE ARTS FESTIVAL ON SEPTEMBER 25, 2021, AS PRESENTED

Commissioner Withee moved to grant the request from the Otsego/Plainwell Chamber of Commerce to hold the Creative Arts Festival on September 25, 2021, as presented, seconded by Commissioner Krueger. UNANIMOUSLY CARRIED.

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 25, 2021, AS PRESENTED

Commissioner Krueger 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 25, 2021, as presented, seconded by Commissioner Milhiem. UNANIMOUSLY CARRIED.

C. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO USE CERTAIN CITY PROPERTY, ON SATURDAY, SEPTEMBER 25, 2021, AS REQUESTED

Commissioner Milhiem moved to grant the request from the Otsego/Plainwell Chamber of Commerce to use certain City property on Saturday, September 25, 2021, as requested, seconded by Commissioner Krueger. UNANIMOUSLY CARRIED.

D. CONSIDERATION OF A REQUEST FROM THE OTSEGO CHAMBER OF COMMERCE TO HOLD AN AFTER-HOURS BUSINESS MIXER AT THE PAVILION ON AUGUST 26, 2021, FROM 4:00 PM TO 8:00 PM, AND SERVE ALCOHOLIC BEVERAGES

Commissioner Krueger moved to grant a request from the Otsego Chamber of Commerce to hold an after-hours Business Mixer at the Pavilion on August 26, 2021, from 4:00 p.m. to 8:00 p.m., and serve alcoholic beverages, seconded by Commissioner Withee. UNANIMOUSLY CARRIED.

E. CONSIDERATION OF A REQUEST FROM THE OTSEGO HIGH SCHOOL STUDENT COUNCIL TO HOLD THEIR ANNUAL HOMECOMING PARADE ON FRIDAY, OCTOBER 8, 2021, BEGINNING AT 5:45 PM – BEGINNING AT THE SHOPPER'S GUIDE PARKING LOT TRAVELING SOUTH ON FARMER STREET, WEST ON MORRELL STREET, SOUTH ON CONFERENCE STREET, AND WEST ON WASHINGTON STREET TO THE SCHOOL BUS LOOP

Commissioner Krueger moved to grant the request from the Otsego High School Student Council to hold their annual Homecoming Parade on Friday, October 8, 2021, beginning at 5:45 p.m., with the route presented, seconded by Commissioner Milhiem. UNANIMOUSLY CARRIED.

F. CONSIDERATION OF A REQUEST FROM THE GUS MACKER ORGANIZATIONAL COMMITTEE AND THE OTSEGO DDA/MAIN STREET TO CLOSE VARIOUS STREETS, THE USE OF PUBLIC PARKING LOTS, & USE OF CITY HALL FROM AUGUST 19, 2021, TO AUGUST 22, 2021, AS PRESENTED

DDA/Main Street Chairman Marty Bennett was in attendance to answer questions of the Commission. He commented that volunteers will be needed for the event. Commissioner Withee moved to grant the request from the Gus Macker Organizational Committee and the Otsego DDA/Main Street to close various streets, the use of Public Parking Lots, and the use of City Hall from August 19, 2021, to August 22, 2021, as presented, seconded by Commissioner Milhiem. UNANIMOUSLY CARRIED.

VI. AGREEMENTS:

A. CONSIDERATION OF A LICENSE AGREEMENT WITH THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE CREATIVE ARTS FESTIVAL – SEPTEMBER 25, 2021

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 Creative Arts Festival on September 25, 2021, seconded by Commissioner Withee. UNANIMOUSLY CARRIED.

B. CONSIDERATION OF AN AGREEMENT WITH OWNER OF 312 WEST RIVER STREET – SYNDER

City Manager Mitchell gave an overview of the cleanup taking place along the old railroad right-of-way, and the request from the owner of 312 W River to occupy fourteen feet of the right-of-way. He explained that the agreement is for a period of ten years, and becomes null and void if the property is

sold. Commissioner Withee moved to authorize the Mayor and City Clerk to enter into an agreement with the Owner of 312 West River Street, for the use of City property - as presented, seconded by Commissioner Krueger. UNANIMOUSLY CARRIED.

C. CONSIDERATION OF A LICENSE AGREEMENT WITH THE OTSEGO/PLAINWELL CHAMBER TO HOLD AN AFTER-HOURS BUSINESS MIXER ON AUGUST 26, 2021, SERVING ALCOHOL

City Manager Mitchell commented that the City Attorney reviewed the agreement. Commissioner Milhiem moved to authorize the Mayor and City Clerk to enter into a License Agreement with the Otsego/Plainwell Chamber to hold an after-hours Business Mixer on August 26, 2021, serving alcohol, seconded by Commissioner Krueger. UNANIMOUSLY CARRIED.

D. CONSIDERATION OF A LICENSE AGREEMENT WITH THE OTSEGO DDA/MAIN STREET FOR THE GUS MACKER EVENT – AUGUST 19 - 22, 2021

Commissioner Krueger moved to authorize the Mayor and City Clerk to enter into a License Agreement with the Otsego DDA/Main Street for the Gus Macker Event on August 19-22, 2021, seconded by Commissioner Withee.

E. CONSIDERATION OF A THREE YEAR AGREEMENT WITH THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE FOR CERTAIN SERVICES

Commissioner Krueger moved to authorize the Mayor and City Clerk to enter into a three-year agreement with the Otsego/Plainwell Chamber of Commerce for certain services, beginning January 1, 2022, seconded by Commissioner Milhiem. UNANIMOUSLY CARRIED.

VII. RESOLUTIONS:

A. CONSIDERATION OF RESOLUTION NO. 2021-09 - A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 25, 2021, AS REQUESTED BY THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE FOR THEIR CREATIVE ARTS FESTIVAL

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

**CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN
RESOLUTION NO. 2021-09**

**A RESOLUTION REQUESTING PERMISSION FROM THE
MICHIGAN DEPARTMENT OF TRANSPORTATION
TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 25, 2021**

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 Krueger, Brent Milhiem.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Dustin McNees.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

IX. DISCUSSION ITEMS:

MANAGER'S REPORT

The City Manager gave updates on the following:

1. He thanked the Otsego/Plainwell Chamber
2. He thanked the Gus Macker Committee
3. Update on Rock-Tenn and announced an informational meeting at City Hall on August 3, 2021, at 6:00 p.m.

COMMUNICATIONS

None.

REMARKS FROM THE AUDIENCE

Robert Alway, 1012 Barton – he announced that there is a flyer at City Hall regarding the TAGG Committee and the Kalamazoo River cleanup. He commented that the information can also be obtained on-line.

COMMISSIONERS' COMMENTS

Commissioner Krueger – she thanked Jenny Boerman of the Chamber for all of her hard work on the Chamber activities. She thanked Clarissa McDonald for her work on the Creative Arts Festival, and Marty Bennett for his work on the Gus Macker event. She commented that the Gus Macker and Creative Arts Festival show the pride we have in our community. She thanked the audience for attending.

Commissioner Withee – she commented that she is excited to have the Gus Macker event back and to see the Creative Arts Festival in its entirety . She stated that it is going to be an exciting Fall in Otsego.

Commissioner Milhiem – he thanked the Chamber; and City Manager Mitchell, Mayor Trobeck, Kahler Sweeney (Summer Activity Series) for bringing people to the downtown through these events. He commented that it is great to see all of the activities in the downtown. He stated appreciation to the committees that work hard to put on the Gus Macker event and the Creative Arts Festival. He commented that the Chamber's event at the Pavilion will be a great way to "show-off" the building. He thanked and acknowledged Officer Gudith's compassion while working on blight issues with residents. He acknowledged everyone's hard work on the Rock-Tenn Project and is glad that it will be coming down.

Mayor Trobeck – she thanked the audience for attending. She commented that a Workshop Meeting was held before the Regular Meeting. She thanked Derek Wissner of Callander Realty for his presentation at the Workshop Meeting. She thanked Jenny and Clarissa of the Chamber for their presentations, input, and for answering questions of the Commission at the Workshop Meeting. She commented that she is excited to have a full Creative Arts Festival this year with a parade. She stated that she is appreciative that the Chamber Agreement has been completed. She thanked Officer Gudith and Officer Weber for addressing the blight issues, as it is a never-ending task. She announced that there will be an Arts Council Meeting tomorrow at the Main Street Office at 6:30 p.m. She thanked the Gus Macker Committee for bringing the Gus Macker event back this year. She thanked the audience for attending.

ADJOURN

The meeting was adjourned on a motion by Commissioner Milhiem, seconded by Commissioner Krueger. CARRIED – 7:28 p.m.

Angela M. Cronen, MMC
City Clerk