

A Regular Meeting of the Otsego City Commission was held on Monday, August 1, 2022, at the TOP Pavilion.

The meeting was called to order by Mayor Withee at 7:00 p.m. with the following Commissioners present: Chuck Moore, Lauri Krueger, Jason Smith and Brent Milhiem. Absent: None. Also present: City Manager, Aaron Mitchell; and Fire Chief, Brandon Weber.

The audience joined the Commission in the Pledge of Allegiance.

The July 18, 2022, Regular Meeting Minutes were approved as submitted.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

I. PRESENTATIONS:

A. COUNTY COMMISSIONER GALE DUGAN UPDATE

Commissioner Dugan gave an update on the most recent County Commission activities. He answered questions of the audience.

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

IV. ORDINANCES:

V. REQUESTS:

A. 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 24, 2022, AS PRESENTED

At this time, Clarissa McDonald and Jenny Boerman of the Otsego/Plainwell Chamber of Commerce gave an overview of the new activities and the placement of the activities. They answered questions of the Commission. City Manager Mitchell confirmed that the electrical issues and the vendors in front of the businesses was taken care of. 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 24, 2022, as presented, seconded by Commissioner Moore. **CARRIED UNANIMOUSLY**

B. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO USE CERTAIN CITY PROPERTY, ON SATURDAY, SEPTEMBER 24, 2022, AS REQUESTED

Commissioner Krueger moved to grant the request from the Otsego/Plainwell Chamber of Commerce to use certain City Property, on Saturday, September 24, 2022, as requested, seconded by Commissioner Milhiem. **CARRIED UNANIMOUSLY**

C. CONSIDERATION OF A REQUEST FROM THE OTSEGO HIGH SCHOOL STUDENT COUNCIL TO HOLD THEIR ANNUAL HOMECOMING PARADE ON FRIDAY, SEPTEMBER 9, 2022, BEGINNING AT 5:45 P.M.

City Manager Mitchell explained that the Allegan County Fair will be taking place, and the start of the parade will be moved to the Smart & Simple Parking Lot, as it was in the past, or on a side street, so that the parade will not cross M-89 and possibly cause a traffic back-up. Commissioner Krueger moved to grant the request from the Otsego High School Student Council to hold their Annual Homecoming Parade on Friday, September 9, 2022, beginning at 5:45 p.m., seconded by Commissioner Smith. CARRIED UNANIMOUSLY.

VI. AGREEMENTS:

A. CONSIDERATION OF A LICENSE AGREEMENT OTSEGO - PLAINWELL CHAMBER OF COMMERCE CREATIVE ARTS FESTIVAL – SEPTEMBER 24, 2022

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 24, 2022, as presented, seconded by Commissioner Krueger. CARRIED UNANIMOUSLY.

VII. RESOLUTIONS:

A. CONSIDERATION OF RESOLUTION NO. 2022-17 - A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 24, 2022, AS REQUESTED BY THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE FOR THEIR CREATIVE ARTS FESTIVAL

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

CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN
RESOLUTION NO. 2022-17

A RESOLUTION REQUESTING PERMISSION FROM THE
MICHIGAN DEPARTMENT OF TRANSPORTATION
TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 24, 2022

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: Stacey Withee, Laurie Krueger, Jason Smith, Brent Milhiem, Chuck Moore.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

IX. DISCUSSION ITEMS:

MANAGER'S REPORT

The City Manager gave updates on the following:

- ARPA Application
- School Resource Officer
- Thanked Walmart for their generous donation helping purchase the Summer Fun Night backpacks
- Pinning for Fire Fighters for recent rescue
- Potential City Parking Lot Parking Ordinance.

COMMUNICATIONS

None.

REMARKS FROM THE AUDIENCE

Charles Housel, 379 W Orleans – he asked if the City has a Public Safety Replacement Program, for fire trucks and police cars. Fire Chief Weber explained that the Fire Department has formed a team, who has met four times and visited a local vendor – HS Fleet Services. He explained that they have reviewed about ninety-eight pages of the two hundred ninety-four-page document. Chief Weber briefly explained the process. Mr. Housel asked if any of this was in the City's Charter. A lengthy question and answer session took place regarding the fire trucks, police vehicles, Otsego Township's involvement, DPW's new trucks, the City's Charter, roads & curbs, and the explanation of the Equipment Fund.

Jean Ashley, 1103 Barton – she commented that the Fire Department needs to put together a committee to talk their way through the process. Fire Chief Weber commented that the public will be invited to come to the Fire Station. She stated that the ideas do not have to be on the final draft and the public should participate before that. Fire Chief Weber explained that the Fire Department has to get the specs to make sure what it is before "options" can be taken off.

Nick Breedveld, 1101 Barton – he asked Clerk Cronen how many people were running for the open seats on the Commission. She indicated that five for the full-term and three for the partial-term. He asked how the DDA/Main Street was going to transition into the TOP Committee. A lengthy discussion took place regarding the transition. City Manager Mitchell explained that the TOP Committee or 501C3 will be separate from the City. Mr. Breedveld asked how the funds were going to be transferred to the Top Committee or 501C3 from the City. A lengthy discussion took place regarding the funding. City Manager Mitchell stated that the TOP Committee will be like the Chamber or Rotary – a total separate entity from the City. Mr. Breedveld disagreed commenting that they can't be compared to the Chamber or Rotary.

Robert Alway, 1012 Barton – he commented that around 2010, money was set aside for a fire truck, but was used for other things. He gave an overview of the history of the fire truck funding, as he remembered it.

COMMISSIONER'S' COMMENTS

Commissioner Krueger – she thanked Commissioner Moore for holding the flag throughout the meeting. She thanked County Commissioner Dugan. She thanked Clarissa and Jenny from the Otsego/Plainwell Chamber of Commerce, commenting that it will be nice to have a parade and the new programs. She commented that she loves the idea of the People's Choice Award at the Car Show. She stated that tomorrow is the Primary Election – go out and vote.

Commissioner Milhiem – he echoed Commissioner Krueger's comments. He thanked County Commissioner Dugan. He wished Clerk Cronen good luck at the election tomorrow. He commented that every election is important. He thanked everyone that helped make the meeting at the pavilion happen. He thanked City Manager Mitchell for the great summer events this year and commented that this is a great setting. He stated that great events in the City make this town very unique. He thanked the audience for attending.

Commissioner Smith – he thanked County Commissioner Dugan. He commented that he is looking forward to the Creative Arts Festival. He thanked and commended City Manager Mitchell for his report and hard work. He thanked the audience and commented that the Commission hears the concerns and he is glad to answer any questions.

Commissioner Moore – he echoed the other Commissioner's comments. He commented that the pavilion was a very pleasant setting for the meeting. He thanked County Commissioner Dugan. He thanked Fire Chief Weber for all of his work on the future purchase of the fire truck.

Mayor Withee – she thanked the audience for attending and traveling to the pavilion for the meeting tonight. She thanked and commended the election workers and the City Hall staff who will be working twelve plus hours tomorrow at the election. She commented that she can't wait for the Creative Arts Festival.

ADJOURN

The meeting was adjourned on a motion by Commissioner Krueger, seconded by Commissioner Smith. CARRIED – 7:58 p.m.

Angela M. Cronen, MMC
City Clerk