

**CITY OF OTSEGO, MICHIGAN  
CITY COMMISSION CHAMBERS  
117 E. ORLEANS ST.**

**REGULAR CITY COMMISSION MEETING MONDAY, JANUARY 9,  
2023; 7:00 P.M.**

**CALL TO ORDER BY MAYOR WITHEE**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF COMMISSIONERS**

**APPROVAL REGULAR MEETING MINUTES AS SUBMITTED**

**REMARKS FROM THE AUDIENCE REGARDING ACTION ITEMS ON THE  
AGENDA**

**I. PRESENTATIONS:**

A. COUNTY COMMISSIONER GALE DUGAN UPDATE

**II. PUBLIC HEARING:**

**III. PLANNING AND ZONING:**

**IV. ORDINANCES:**

**V. REQUESTS:**

A. CONSIDERATION OF TRANSFER STATION COUPON PROGRAM -  
DISTRIBUTION OF COUPONS BEGINNING IN FEBRUARY - COUPONS  
EXPIRING DECEMBER 30, 2023

B. CONSIDERATION OF REQUEST TO SET A PUBLIC HEARING TO  
ESTABLISH SINGLE PREMISE ASSESSMENTS FOR DELINQUENT  
CHARGES FOR CITY SERVICES ON FEBRUARY 6, 2023

C. CONSIDERATION OF APPROVAL OF THE 2022 PLANNING COMMISSION  
SUMMARY

**VI. AGREEMENTS:**

- A. CONSIDERATION OF AN AGREEMENT WITH WIGHTMAN FOR THE WASHINGTON/DIX STREET PROJECT

**VII. RESOLUTIONS:**

- A. CONSIDERATION OF RESOLUTION NO. 2023-01 – A RESOLUTION TO MOVE MARCH 2023 BOARD OF REVIEW STARTING DATE
- B. CONSIDERATION OF RESOLUTION NO. 2023-02 – A RESOLUTION OF GUIDELINES FOR APPLICANTS REQUESTING CONSIDERATION FOR POVERTY EXEMPTION
- C. CONSIDERATION OF RESOLUTION NO. 2023-03 - A PERFORMANCE RESOLUTION REQUIRED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION

**VIII. APPOINTMENTS:**

- A. CONSIDERATION OF THE APPOINTMENT OF BOARD OF REVIEW MEMBERS – RICHARD DELONG, AND KAY STRONG TERMS TO EXPIRE DECEMBER 31, 2023

**IX. DISCUSSION ITEMS:**

- A. DISCUSSION REGARDING PROPOSED PUBLIC SAFETY MILLAGE REPEAL AND REPLACE
- B. CONSIDERATION OF THE AUTHORIZATION OF THE CITY MANAGER TO PREPARE A RESOLUTION FOR PROPOSED PUBLIC MILLAGE LANGUAGE

**MANAGER'S REPORT**

**COMMUNICATIONS**

**REMARKS FROM THE AUDIENCE**

**COMMISSIONERS' COMMENTS**

**ADJOURN**

# CITY OF OTSEGO

Otsego MI 49078

269-692-3391

269-692-2643 (F)

WWW.CITYOFOTSEGO.ORG



Commissioner      offered the following resolution and moved for its adoption, seconded by Commissioner      .  
CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2023-01

## RESOLUTION TO MOVE MARCH 2023 BOARD OF REVIEW STARTING DATE

WHEREAS, the City Assessor will be unable to attend the established start date for the 2023 March Board of Review which is the second Monday of March, March 13, 2023; and

WHEREAS, Michigan Compiled Law 211.30(2) allows the governing body of a city to authorize an alternative starting date of the Tuesday or Wednesday following the second Monday of March;

THEREFORE, BE IT RESOLVED, that the Otsego City Commission hereby approves the starting date of the 2023 March Board of Review as Tuesday, March 14, 2023.

YEAS: Commissioners:

NAYS: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

RESOLUTION DECLARED .

Dated: January 9, 2023

\_\_\_\_\_  
Angela M. Cronen, City Clerk

## CERTIFICATE

I, Angela M. Cronen, the duly appointed clerk of the City of Otsego do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Otsego City Commission at a regular meeting held Monday, January 9, 2023, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

Attest: \_\_\_\_\_  
Angela M. Cronen, City Clerk

# CITY OF OTSEGO

Otsego MI 49078

269-692-3391

269-692-2643 (F)

WWW.CITYOFOTSEGO.ORG



Commissioner      offered the following resolution and moved for its adoption, seconded by Commissioner      .  
CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2023-02

## A RESOLUTION OF GUIDELINES FOR APPLICANTS REQUESTING CONSIDERATION FOR POVERTY EXEMPTION

**WHEREAS**, the adoption of guidelines for poverty exemptions is within the purview of the Otsego City Commission, County of Allegan; and

**WHEREAS**, the homestead of persons who, in the judgment of the Board of Review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under Public Act 390 of 1994 (MCL 211.7u) and as amended by PA 620 of 2002 and as further amended by PA 253 of 2020; and

**WHEREAS**, PA 253 of 2020 removes the word “supervisor” from statute. Only the Board of Review may grant or deny a poverty exemption. The Board of Review must not deviate from the adopted policy guidelines. The Board of Review will grant full exemption for person who meets eligibility requirements; and

**WHEREAS**, pursuant to PA 267 of 1976, the Open Meetings Act, the Board of Review cannot go into a closed session and meet privately to discuss poverty exemption appeals, disabled veteran exemptions or any other appeal. Information contained in documents provided to the Board of Review that is exempt should be redacted before to the Board of Review; and

**WHEREAS**, pursuant to PA 390 of 1994 and PA 620 of 2002 and as further amended by PA 253 of 2020, the Otsego City Commission, County of Allegan adopts the following guidelines for the Board of Review to implement. The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household.

To be eligible, a person shall do all of the following on an annual basis:

1. Be an owner of and occupy as a homestead the property for which an exemption is requested.
2. File a complete application for an exemption after January 1, but before the day prior to the last day of the December Board of Review with the Assessor’s Office. The application must be completed on Treasury Form 5737 as approved by the State Tax Commission. Incomplete applications will be denied. The application must include federal and state income tax returns for all persons residing in the homestead. Per PA

135 of 2012, an affidavit (Treasury Form 4988) must be filed for all persons residing in the residence who were not required to file federal or state income tax returns in the current year or in the immediately preceding year.

3. Produce a valid driver's license or other form of identification, if requested.
4. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is required, if requested.
5. Meet the federal poverty income standards as defined and determined annually by the United States Department of Health and Human Services.
6. Have assets totaling no more than \$15,000, not including the primary residence and one vehicle.

***NOW, THEREFORE BE IT HEREBY RESOLVED*** that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying an exemption.

YEAS: Commissioners:

NAYS: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

RESOLUTION DECLARED .

Dated: January 9, 2023

\_\_\_\_\_  
Angela M. Cronen, City Clerk

#### CERTIFICATE

I, Angela M. Cronen, the duly appointed clerk of the City of Otsego do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Otsego City Commission at a regular meeting held Monday, January 9, 2023, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

Attest: \_\_\_\_\_  
Angela M. Cronen, City Clerk

DRAFT



# CITY OF OTSEGO

Otsego MI 49078

269-692-3391

269-692-2643 (F)

WWW.CITYOFOTSEGO.ORG



Commissioner offered the following Resolution and moved for its adoption, supported by Commissioner  
CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN

## RESOLUTION NO. 2023-03

### A PERFORMANCE RESOLUTION REQUIRED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way," or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way."

RESOLVED WHEREAS, the City of Otsego hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, 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 Highway 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 AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, 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. Any claims against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof will be the sole responsibility of the GOVERNMENTAL AGENCY.

3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or Maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT MDOT 2207B (10/11) Page 2 of 2 5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, 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.

5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, 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.

6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent he DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY 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 AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.



1. Angela M. Cronen, City Clerk
2. Michael Bosch, DPW Supervisor
3. Aaron Mitchell, City Manager
4. Whitman Engineering

YEAS: Commissioners:

NAYS: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:

RESOLUTION DECLARED.

Dated: January 9, 2023

Angela M. Cronen, City Clerk

#### CERTIFICATE

I, Angela M. Cronen, the duly appointed clerk of the City of Otsego do hereby certify the foregoing is a true and complete copy of a resolution adopted by the Otsego City Commission at a regular meeting held Monday, January 9, 2023, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

Attest:

Angela M. Cronen, City Clerk