

A Regular Meeting of the Otsego City Commission was held on Monday, January 9, 2023.

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

The audience joined the Commission in the Pledge of Allegiance.

The December 19, 2022, Regular Minutes, were approved as submitted, motion by Commissioner Krueger, seconded by Commissioner Moore. CARRIED.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

Vince Pagano, 440 W Orleans – he commented that the Fire Department should be looked at before the Commission decides to put something on the ballot, as this will fall back on the taxpayers and be a burden.

I. PRESENTATIONS:

A. COUNTY COMMISSIONER GALE DUGAN UPDATE

County Commissioner Dugan gave an update on current Allegan County activities. He answered questions of the Commission. He wished everyone a Happy New Year.

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

Commissioner Smith moved to approve the Transfer Station Coupon Program, distribution of coupons beginning in February 2023, and coupons expiring on December 30, 2023, seconded by Commissioner Moore. CARRIED UNANIMOUSLY

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

City Manager Mitchell explained that this is a yearly request. Commissioner Krueger moved to approve the request to set a Public Hearing to establish Single Premise Assessments for Delinquent Charges for City services on February 6, 2023, seconded by Commissioner Smith. CARRIED UNANIMOUSLY

C. CONSIDERATION OF APPROVAL OF THE 2022 PLANNING COMMISSION SUMMARY

City Manager Mitchell presented the 2022 Planning Commission Summary. He commented that our Planning Commission is currently working on the Master Plan. Commissioner Krueger moved to approve the 2022 Planning Commission Summary, seconded by Commissioner Rayburn. CARRIED UNANIMOUSLY.

VI. AGREEMENTS:

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

City Manager Mitchell stated that the agreement with Wightman is for the management of the Washington/Dix Street Project. A brief discussion took place regarding if the contracted amount could be increased. City Manager Mitchell stated that it could not go over. It was explained that the funding will be coming from the Major Street Fund. Commissioner Krueger moved to authorize the agreement with Wightman Engineering for the Washington/Dix Street Project, seconded by Commissioner Moore. CARRIED UNANIMOUSLY.

VII. RESOLUTIONS:

A. CONSIDERATION OF RESOLUTION NO. 2023-01 – A RESOLUTION TO MOVE MARCH 2023 BOARD OF REVIEW STARTING DATE

City Manager Mitchell explained that the City's Assessor is not available on the Board of Review starting date, and by resolution the date can be changed.

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

**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: Stacey Withee, Chuck Moore, Lauri Krueger, Jason Smith,
Wayne Rayburn

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

B. CONSIDERATION OF RESOLUTION NO. 2023-02 – A RESOLUTION OF GUIDELINES FOR APPLICANTS REQUESTING CONSIDERATION FOR POVERTY EXEMPTION

City Manager Mitchell commented that this is a yearly resolution.

Commissioner Moore offered the following Resolution and moved for its adoption, seconded by Commissioner Krueger.

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 given 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: Stacey Withee, Chuck Moore, Lauri Krueger, Jason Smith,
Wayne Rayburn

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED. |

C. CONSIDERATION OF RESOLUTION NO. 2023-03 - A PERFORMANCE
RESOLUTION REQUIRED BY THE MICHIGAN DEPARTMENT OF
TRANSPORTATION

City Manager Mitchell stated that this resolution is required each time a new commissioner is elected/appointed to the City Commission.

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

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 the 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: Stacey Withee, Chuck Moore, Lauri Krueger, Jason Smith,
Wayne Rayburn

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

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

Commissioner Krueger moved to confirm the Mayor's appointment of Board of Review Members – Richard DeLong and Kay Strong, terms to expire December 31, 2023, seconded by Commissioner Rayburn. CARRIED UNANIMOUSLY

IX. DISCUSSION ITEMS:

A. DISCUSSION REGARDING PROPOSED PUBLIC SAFETY MILLAGE REPEAL AND REPLACE

A lengthy discussion took place regarding the proposed repeal and replace of the Public Safety Millage. City Manager Mitchell explained that the current two mill Public Safety Millage will be expiring in three years and if it is repealed and replaced, it would be reset for ten years. He commented that there are a lot of ways of looking at this - one mill versus two mills and he is looking to the City Commission for an answer. Commissioner Moore asked for explanation of the Grant that the City did not receive. City Manager Mitchell explained that when PA33 was not pursued, the Fire Department applied for a grant to fund three full-time employees and the Fire Department was not awarded the grant.

The following items were discussed:

- How we got where we are today
- Increased call volume
- Public Safety is subsidized by the General Fund – \$1M
- Commission wants to put it in the hands of the people
- Fire Chief Weber explained why a town the size of Otsego needs full-time employees
- City and Township keep growing
- Revision of Coverage – beginning January 22, 2023, coverage to fill the full-time position, with qualified Fire Department Staff (sit-times).
- Firefighters interest in sit times – 2/3 yes.
- Firefighter qualifications needed to be able to cover a sit time
- Ballot wording
- Fire Truck needs down the road
- Elections costs
- Number of Calls City/Township – City 45%; Township 55%
- How Township pays the City
- Reapplying for a Grant
- If Ballot Proposal is not passed, can it be put back on in two years -
 - No Medical Calls
 - Life Support Licensing
 - Central Dispatch

Commissioner Smith commented that we need to allow the people to make the decision. Commissioner Rayburn suggested that the proposal be two mills for three years, and then add the two mills on to the Public Safety Millage when it expires. Commissioner Moore asked if the operational costs are split with the Township. City Manager Mitchell indicated they are split. Commissioner Smith asked what will happen if one of the municipalities doesn't pass the proposal. City Manager Mitchell stated that a discussion would need to take place to discuss options.

B. CONSIDERATION OF THE AUTHORIZATION OF THE CITY MANAGER TO PREPARE A RESOLUTION FOR PROPOSED PUBLIC MILLAGE LANGUAGE

It was the consensus of the Commission to direct City Manager Mitchell to prepare language for a repeal and replacement of the current Fire Safety Millage, for an amount of 4 Mills.

MANAGER'S REPORT

The City Manager gave updates on the following:

- State Revolving Fund Loan
- Otsego designated as one of the top five small towns in Michigan
- An overview of the cost of streaming meetings, which would be \$20,000+, for the City.

COMMUNICATIONS

None.

REMARKS FROM THE AUDIENCE

Pam Roth, 701 Kay – she commented the Wightman does a very good job. She asked what the procedure and rules are for door-to-door salespersons. City Manager Mitchell advised her to report them if they do not have a permit from City Hall. He commented that all door-to-door salespersons have a background check performed before they are issued a permit. She asked Commissioner Smith to talk a little louder.

Ben Dotterer, 917 Windigo – he asked Fire Chief Weber if the 4 mills would help with retention and wages. Fire Chief Weber indicated yes, the 4 mills would help.

John Pickron, 1104 Barton – he commented that informational sheets need to be made. He stated more facts are needed and need to be provided. At this time, Fire Chief Weber explained each of the educational levels.

David Fouch, 359 W. Franklin – he commented that he liked the article in the newspaper. He stated that he likes Commissioner Rayburn's three-year idea and hopes it all works out. He thanked the Commission for the information.

COMMISSIONER'S' COMMENTS

Commissioner Rayburn – he commented that it is uncomfortable to talk about money. He commented that he knows how he personally feels, if something were to happen to his spouse or family member. He commented that he knows CPR and after what happened last week on the football field, you never know what can and when it could happen. He asked everyone to think about it and know the options. He stated that there is still time to get things done. He commented that he researched PA33. He commented that the Commission will not be making the decision, as the community will make the decision voting their conscience on something this

important. He thanked the audience for attending. He commented that Allegan Senior Services offer free medical alert push button devices. He suggested that if someone knows someone who is in need to check it out.

Commissioner Smith – he commented that this is not easy and we have to stop playing games and let the people make the decision. He stated that getting more information to the people will allow them to better understand. He commented that he will help make it happen. He stated that it is an honor to serve on the Commission. He thanked the audience for attending and he will see them next week.

Commissioner Moore – he stated that there are hard choices to be made. He commented that the Fire Department still is going to need three fire trucks in the future, so additional funds will be asked for in the future. He stated that he agreed that we have to get information out to the people. He asked everyone to treat others with respect while others are speaking. He thanked County Commissioner Dugan.

Commissioner Krueger – she wished everyone a Happy New Year! She thanked Fire Chief Weber and all of the Otsego Fire Department Firefighters, as they put their safety on the line and sacrifice time with their families. She thanked him for all of the information that he has provided, and she indicated that she appreciates that. She commended SRO Officer Judd Sikkema for the wonderful work he is doing in the schools. She commented that he started a Good Deed Doer's Award. She reminded everyone that today is National Law Enforcement Appreciation Day.

Mayor Withee – she commented that you don't need the Medical First Responders until you need them, and they have been to her household four times. She commented that she is going to support this any way she can, as she wants our community to be one that everyone wants to live in. She stated that if anyone has questions to contact City Manager Mitchell, the Commissioners, or herself. She indicated that the citizens need to be educated and it will be a learning experience for everyone. She wished everyone a Happy New Year.

City Manager Mitchell commented that just during tonight's meeting, the Fire Department had two calls.

ADJOURN

The meeting was adjourned on a motion by Commissioner Krueger, seconded by Commissioner Smith. CARRIED – 8:39 p.m.

Angela M. Cronen, MMC
City Clerk