

A Regular Meeting of the Otsego City Commission was held on Monday, August 7, 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.

On a motion by Commissioner Krueger, seconded by Commissioner Moore, the July 17, 2023, Regular Minutes were approved as submitted.

## **REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS**

None.

### **I. PRESENTATIONS:**

#### **A. COUNTY COMMISSIONER GALE DUGAN UPDATE**

Commissioner Dugan gave an update on County activities.

### **II. PUBLIC HEARING:**

### **III. PLANNING AND ZONING:**

### **IV. ORDINANCES:**

### **V. REQUESTS:**

#### **A. CONSIDERATION OF A REQUEST FROM TIE MICHIGAN TEAL TO PUT UP RIBBONS ON DOWNTOWN LIGHT POLES FOR OVARIAN CANCER AWARENESS**

City Manager Mitchell stated that this is an annual request from Tie Michigan Teal to bring awareness of ovarian cancer to our community. Commissioner Smith moved to grant the request from Tie Michigan Teal to place ribbons on the downtown light poles, for ovarian cancer awareness, as presented, seconded by Commissioner Krueger. **CARRIED UNANIMOUSLY**

#### **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 30, 2023, AS PRESENTED**

Jenny Borman and Clarissa McDonald of the Otsego/Plainwell Chamber of Commerce were in attendance to give an overview of the event and to answer questions of the Commission. Commissioner Krueger moved to grant the request from the Otsego/Plainwell Chamber of Commerce to close M-89/Allegan Street for the Creative Arts Festival Car Show on Saturday, September 30, 2023, as presented, seconded by Commissioner Rayburn. **CARRIED UNANIMOUSLY**

C. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO USE CERTAIN CITY PROPERTY, ON SATURDAY, SEPTEMBER 30, 2023, AS REQUESTED

City Manager Mitchell noted that the only change is the addition of the use of South Fair Street. Commissioner Krueger moved to grant the request from the Otsego/Plainwell Chamber of Commerce to use certain City property, on Saturday, September 30, 2023, as requested, seconded by Commissioner Smith. CARRIED UNANIMOUSLY

**VI. AGREEMENTS:**

A. CONSIDERATION OF AN LICENSE AGREEMENT OTSEGO - PLAINWELL CHAMBER OF COMMERCE CREATIVE ARTS FESTIVAL – SEPTEMBER 30, 2023

Commissioner Moore 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 30, 2023, seconded by Commissioner Smith. CARRIED UNANIMOUSLY

**VII. RESOLUTIONS:**

A. CONSIDERATION OF RESOLUTION NO. 2023-15 - A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 30, 2023, AS REQUESTED BY THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE FOR THEIR CREATIVE ARTS FESTIVAL

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

CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2023-15

A RESOLUTION REQUESTING PERMISSION FROM THE  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 30, 2023

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, Lauri Krueger, Wayne Rayburn, Chuck Moore,  
Jason Smith.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

## **VIII. APPOINTMENTS:**

## **IX. DISCUSSION ITEMS:**

### **MANAGER'S REPORT**

The City Manager commented and gave updates on the following:

- Tomorrow's Election
- New 9 days of early voting mandates are moving quickly
- Ready or Not 5K had over 200 runners
- Gus Macker
- Creative Arts Festival
- School starting soon

### **COMMUNICATIONS**

None.

### **REMARKS FROM THE AUDIENCE**

David Fouch, 359 W. Franklin – he asked if there would be a Planning Commission Meeting this month. City Manager Mitchell stated that currently there is no business for the Planning Commission's August meeting. Mr. Fouch would like an update on the Rock-Tenn property. City Manager Mitchell explained the process and gave a brief update. City Manager Mitchell commented that there will be a Brownfield Meeting tomorrow. He asked if City Manager Mitchell would be giving an update on the Rock-Tenn property at the next Planning or City Commission Meeting. City Manager Mitchell stated will give an update when one is available.

Clarissa McDonald, 1951 106<sup>th</sup> Ave – she thanked the City Commission for their support of the Creative Arts Festival. She commented that she looks forward to seeing everyone at the Creative Arts Festival.

### **COMMISSIONER'S' COMMENTS**

Commissioner Moore – he thanked the following: Jenny & Clarissa of the Otsego/Plainwell Chamber – Creative Arts Festival; County Commissioner Dugan; and the audience for attending.

Commissioner Smith – he thanked the following: County Commissioner Dugan for his report; Jenny & Clarissa of the Otsego Chamber of Commerce – Creative Arts Festival, as he is looking forward to it; City Manager Mitchell for all of the information he provides and his reports. He reminded everyone to vote tomorrow.

Commissioner Rayburn – he thanked the following: County Commissioner Dugan for his assistance; Jenny & Clarissa of the Otsego/Plainwell Chamber – Creative Arts Festival – for their hard work; his fellow Commissioners; and the audience.

Commissioner Krueger – she thanked the following: the audience for attending; and Jenny & Clarissa of the Otsego/Plainwell Chamber – Creative Arts Festival for all they do and to all of the volunteers. She encouraged everyone to go vote tomorrow.

Mayor Withee – she thanked the following: the audience for attending; and the Creative Arts Festival Committee – as it is nice to have a free event for the children to enjoy. She encouraged everyone to enjoy the beautiful weather.

The meeting was adjourned on a motion by Commissioner Rayburn, seconded by Commissioner Smith. CARRIED – 7:34 p.m.

Angela M. Cronen, MMC  
City Clerk