

A Regular Meeting of the Otsego City Commission was held Monday, February 20, 2017.

The meeting was called to order by Mayor Trobeck at 7:00 p.m. with the following Commissioners present: Kathy Misner, Nick Breedveld and Ryan Wieber. Absent: Tom Gilmer. Also present City Manager Beard; Mike Bosch, DPW Supervisor; and Police Chief Konkle.

The audience joined the Commission in the Pledge of Allegiance.

Commissioner Misner moved to excuse Commissioner Gilmer, seconded by Commissioner Wieber. CARRIED.

The Regular Meeting Minutes of February 6, 2017, were approved as submitted.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

Robert Alway, 1012 Barton – he commented that in reference to Resolution No. 2017-09, there may be MDEQ stipulations for open burning in the City.

I. PRESENTATIONS:

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

A. FIRST READING - ORDINANCE NO. 158 - AN ORDINANCE TO ADD SECTION 46-128 TO THE CODE OF ORDINANCES OF THE CITY OF OTSEGO TO REGULATE THE USE OF ATVS AND ORVS

Manager Beard explained that the proposed ordinance is in reference to the use of ATVS and ORVS. He stated that there is an exception that City staff shall be exempt while performing work on behalf of the City and other entities with written permission from the Chief of Police. A second reading and proposed adoption on Ordinance #158, will take place at the next City Commission Meeting. A brief discussion took place regarding the definition and the uses of a ATV/ORV.

IV. ORDINANCES:

V. REQUESTS:

VI. AGREEMENTS

A. CONSIDERATION OF PURCHASE AGREEMENT FOR CITY OWNED PROPERTY

Manager Beard stated that the property at 301 Helen Street, commonly known as the Co-Gen property, has another interested buyer. He stated that the property will be sold for \$45,000, with the majority of the proceeds to be used to pay off the special assessment on the property. Commissioner Misner moved to authorize the Mayor and City Clerk to enter into a purchase agreement with Matt Double for the property located at 301 Helen, seconded by Commissioner Breedveld. No action. Commissioner Breedveld questioned why an earnest deposit was not

included in the initial purchase agreement. He stated that a normal real estate transaction requires an earnest deposit. Commissioner Breedveld moved to authorize the Mayor and City Clerk to enter into a purchase agreement with Matt Double for the property located at 301 Helen, with an addendum to the purchase agreement to include a \$1,000, earnest deposit, seconded by Commissioner Wieber. CARRIED UNANIMOUSLY.

VII. RESOLUTIONS:

A. CONSIDERATION OF RESOLUTION NO. 2017-08 - RESOLUTION TO AMEND THE 2016-2017 ANNUAL APPROPRIATIONS BILL

Manager Beard explained that the transfer of funds was for the additional purchase of books and materials for training. Commissioner Wieber offered the following resolution and moved for its adoption, seconded by Commissioner Misner.

**CITY OF OTSEGO
MICHIGAN
RESOLUTION NO. 2017-08**

RESOLUTION TO AMEND THE 2016-2017 ANNUAL APPROPRIATIONS BILL

WHEREAS, the Otsego City Commission approved the 2016-2017 Annual Appropriations Bill which limited amounts for expenditures and anticipated revenues for the 2016-2017 fiscal year; and

WHEREAS, certain activities and/or revenue sources will exceed previous projections; and

WHEREAS, the Otsego City Commission wishes to formally amend the annual appropriations bill in acknowledgement of the need for revisions,

THEREFORE, BE IT RESOLVED, that the Otsego City Commission hereby approves the following increases and decreases to the 2016-2017 Annual Appropriations Bill:

General Fund Expenditures	
101-336-740.001 Fire Dept Rescue Unit Supplies	(\$ 700.00)
<u>101-336-740.001 Fire Dept Training Class Supplies</u>	<u>\$ 700.00</u>
Net Increase/(Decrease)	\$ 0.00

YEAS: Commissioners: Cyndi Trobeck, Kathy Misner, Ryan Wieber, Nick Breedveld.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Tom Gilmer.

RESOLUTION DECLARED ADOPTED.

**B. CONSIDERATION OF RESOLUTION NO. 2017-09 - A RESOLUTION TO
AUTHORIZE THE OUTDOOR BURNING OF TREE STUMPS AND TOPS BY
TENGAM ENGINEERING**

Manager Beard explained that Tengam Engineering requested to burn tree stumps and tops at their site on Washington Street. A lengthy discussion took place regarding the specifics of the process, the location of the burn and the proximity to the school, other businesses, and township residents. Commissioner Misner offered the following resolution and moved for its adoption, seconded by Commissioner Breedveld.

**CITY OF OTSEGO
MICHIGAN
RESOLUTION NO. 2017-09**

**A RESOLUTION TO AUTHORIZE THE OUTDOOR
BURNING OF TREE STUMPS AND TOPS BY
TENGAM ENGINEERING**

WHEREAS, Tengam Engineering Incorporated (“Tengam”) intends to expand its operations and facility within the City of Otsego; and

WHEREAS, to create space for this expansion, Tengam will clear a number of trees from its property; and

WHEREAS, Tengam has determined that it will be most cost effective to burn the remaining tree stumps and tops in place rather than having them hauled offsite; and

WHEREAS, Tengam has requested permission from the City to perform such open burning on its property; and

WHEREAS, although Section 38-153 of the City’s Code of Ordinances generally prohibits open burning in the City, the City Commission may approve a special request for open burning by resolution; and

WHEREAS, for many years, Tengam has been an outstanding corporate citizen of the City of Otsego; and

WHEREAS, in recognition of its longstanding contributions to the City as a corporate citizen, the City Commission is amenable to accommodating Tengam’s request.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Pursuant to Section 38-153(a) of the City’s Code of Ordinances, the City Commission approves the special request of Tengam to conduct a one-time open burning of tree stumps and tops on its property to facilitate the expansion of its building. Such open burning shall occur within 30 days of the date of this Resolution.
2. At least five business days prior to the open burning authorized by this Resolution, Tengam shall notify the Otsego Fire Department of the scheduled date and time that the open burning will occur.
3. The open burning authorized by this Resolution shall comply with the requirements of Section 38-153(c) (3) (a), (b), (c), (d) and Section 38-153(d) of the City’s Code of Ordinances.
4. All resolutions and parts of resolutions are, to the extent of any conflict with this Resolution, rescinded.

YEAS: Commissioners: Cyndi Trobeck, Kathy Misner, Ryan Wieber.

NAYS: Commissioners: Nick Breedveld.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Tom Gilmer.

RESOLUTION DECLARED ADOPTED. **Note this Resolution is Null and Void – as the MDEQ confirmed (2/21/2017) that the practice is not permissible with 1400 feet of the City Limits.

VIII. APPOINTMENTS:

IX. DISCUSSION ITEMS:

MANAGER'S REPORT

1. Manager Beard gave an update on the following: South Farmer Street; Representative Whiteford local facility tours; Budget Workshops begin in March; and the County request to discuss potential uses at Rock-Tenn at the upcoming Planning Commission Meeting.
2. Manager Beard asked the Commission if they had any questions regarding his Manager's Report.

COMMUNICATIONS

None.

REMARKS FROM THE AUDIENCE

Robert Alway, 1012 Barton – he suggested that Manager Beard should contact the Air Quality Division of the MDEQ, in regards to the open burning at Tengam.

COMMISSIONERS' COMMENTS

Commissioner Breedveld – he asked that a reminder be put on Facebook regarding the Nuisance Ordinance, in regards to barking dogs. He wanted to clarify his comment regarding the pedestrian crossing light, he stated that he has an issue spending the money after we forgave the debt to DDA/Main Street, as it doesn't make sense to spend the money.

Mayor Trobeck – she thanked the audience for attending.

The meeting was adjourned on a motion by Commissioner Misner, seconded by Commissioner Breedveld. CARRIED – 7:52 p.m.

Angela M. Cronen, MMC
City Clerk