

A Regular Meeting of the Otsego City Commission was held Monday, March 6, 2017.

The meeting was called to order by Mayor Trobeck at 7:00 p.m. with the following Commissioners present: Tom Gilmer, Kathy Misner, Nick Breedveld and Ryan Wieber. Absent: None. Also present City Manager Beard; and Finance Director/Treasurer, Mathew Storbeck.

The audience joined the Commission in the Pledge of Allegiance.

The Regular Meeting Minutes of February 20, 2017, were approved as submitted.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

None.

I. PRESENTATIONS:

A. PRESENTATION OF 2017-2018 ANNUAL APPROPRIATIONS BILL - MAJOR STREET FUND; LOCAL STREET FUND; STREET AND BRIDGE FUND; AND SPECIAL ASSESSMENT CAPITAL IMPROVEMENT FUND

Finance Director Matthew Storbeck presented the Major Street Fund, Local Street Fund, Street and Bridge Fund, and the Special Assessment Capital Improvement Fund for the fiscal year 2016-2017. Anticipated revenue for the Major Street Fund is \$658,990, and anticipated expense is \$658,990. Major Street capital improvement projects are planned in the amount of \$450,520. Anticipated revenue for the Local Street Fund is \$146,250, and anticipated expense is \$281,155. Local Street capital improvement projects are planned in the amount of \$105,000. Anticipated revenue for the Street and Bridge Fund is \$88,000, and anticipated expense is \$418,085. There are no capital improvement projects planned in the Street and Bridge Fund. Anticipated revenue for the Special Assessment Capital Improvement Fund is \$7,175, and anticipated expenditures are \$22,000. There are no Capital Improvement Projects planned in the Special Assessment Capital Improvement Fund. Finance Director Storbeck commented that the City may receive additional funds from the State due to the increase of the gas tax, but the amounts are not available at this time and will be incorporated into the final budget.

At this time, Officer Gudith introduced the newest Part-Time Officer, Officer McGehee. He stated that Officer McGehee is a thirty-five year veteran of the Kalamazoo Sheriff's Department. The Commission welcomed Officer McGehee.

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

A. CONSIDERATION OF SITE PLAN APPROVAL FOR EXPANSION OF TENGAM FACILITIES LOCATED AT 545 WASHINGTON ST

Manager Beard stated that the Planning Commission reviewed the Site Plan for Tengam's proposed 23,000 square foot addition, to the current building. He commented that the Site Plan met all of the zoning regulations and included two new truck bays. He commented that the use is a principal permitted used in the zoning district, so a Public Hearing was not required. Commissioner Gilmer moved to approve the Site Plan for the addition to the Tengam facility, as presented, seconded by Commissioner Misner. UNANIMOUSLY CARRIED.

IV. ORDINANCES:

- A. SECOND READING AND ADOPTION - 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

Commissioner Wieber moved to adopt 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, seconded by Commissioner Gilmer.

**CITY COMMISSION
CITY OF OTSEGO
Allegan County, Michigan**

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**

THE CITY OF OTSEGO ORDAINS:

Section 1. Amendment. Section 46-128 is added to Chapter 46, “Offenses and Miscellaneous Provisions,” of the Code of Ordinances of the City of Otsego, Michigan, to read as follows:

Sec. 46-128. Off-Road Vehicles.

(a) *Definitions*.

(1) “ATV/ORV” means a motorized off-road vehicle recreational vehicle capable of cross country travel without benefit of road or trail, on or immediately over land or other natural terrain. ATV/ORV includes multi-wheel drive or multi-track vehicles, ATV’s, motorcycle or related 2-wheel, 3 wheel or 4-wheel vehicles, amphibious machines or other means of transport deriving motive power from a source other than muscle or wind.

(2) “Governmental entity” means a county, township, village, city, public school district, or other political subdivision.

(b) *Operation generally*. It shall be unlawful to operate an ATV/ORV within the City except upon private premises owned or under the control of the operator or upon the private premises of another with that person's express permission.

(c) *Exception*. City staff shall be exempt from the requirements of this ordinance while performing work on behalf of the City. Additionally, employees of other governmental entities, with prior written permission from the Chief of Police, shall be exempt from the requirements of this ordinance while performing work on behalf of the governmental entity.

Section 2. Effective Date. This ordinance shall take effect upon the latter of publication or the passage of twenty (20) days time following its final adoption in accordance with the City Charter.

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

ORDINANCE DECLARED ADOPTED.

V. REQUESTS:

VI. AGREEMENTS

VII. RESOLUTIONS:

- A. CONSIDERATION OF RESOLUTION NO. 2017-10 – A RESOLUTION ACCEPTING THE MAPS, DIAGRAMS, PLANS, ESTIMATES AND TABULATION OF COSTS OF PROPOSED SIDEWALK AND CURB AND GUTTER IMPROVEMENTS AND/OR ADDITIONS ON SOUTH FARMER STREET – PHASE TWO AND MAKING THEM AVAILABLE FOR PUBLIC EXAMINATION

Commissioner Breedveld offered Resolution No. 2017-10 – a Resolution accepting the maps, diagrams, plans, estimates and tabulation of costs of proposed sidewalk and curb and gutter improvements and/or additions on South Farmer Street – Phase Two and making them available for Public Examination and moved for its adoption, seconded by Commissioner Misner.

CITY OF OTSEGO
MICHIGAN
RESOLUTION NO. 2017-10

SPECIAL ASSESSMENT RESOLUTION #2 – A RESOLUTION ACCEPTING THE MAPS, DIAGRAMS, PLANS, ESTIMATES AND TABULATION OF COSTS OF PROPOSED SIDEWALK AND CURB AND GUTTER IMPROVEMENTS AND/OR ADDITIONS ON SOUTH FARMER STREET PHASE TWO AND MAKING THEM AVAILABLE FOR PUBLIC EXAMINATION

WHEREAS, this City Commission, by its Resolution No. 2017-06, has directed the City Manager to prepare or cause to be prepared maps, diagrams, and plans to indicate the scope of proposed improvements consisting of sidewalk improvements, and curb and gutter on South Farmer Street – Phase Two; and also to prepare an estimated cost of those improvements; and

WHEREAS, the City Manager has prepared such maps, diagrams, plans, estimates, and tabulations have been filed with the City Clerk; and

WHEREAS, the City Manager also included his recommendation as to the proportion of the cost

to be paid by special assessment and that portion to be borne by the City at large, together with a description of the land to be in the proposed Special Assessment District; and

WHEREAS, the City Clerk has presented such maps, diagrams, plans, estimates and tabulations to this City Commission.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Such maps, diagrams, plans, estimates, and tabulations of cost shall be available for public examination for a period of at least seven (7) calendars days.
2. The City Manager's recommendation as to the proportion of the cost to be paid by special assessment and that portion to be borne by the City at large, together with a description of the land to be included in the proposed Special Assessment District shall also be available for public examination for a period of at least seven (7) days.
3. All resolutions and parts of resolutions are, to the extent of any conflicts with this resolution, hereby rescinded.

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

IX. DISCUSSION ITEMS:

MANAGER'S REPORT

1. Manager Beard gave an update on the following: Fire Department improvements; MDOT's survey of the North Street traffic signal; and the EPA meeting on March 8th at 6pm.
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 asked why there is such a large balance in the Special Assessment Capital Improvement Fund. Finance Director Storbeck commented that the fund began with a large balance, and the balance continues to be significant.

COMMISSIONERS' COMMENTS

Mayor Trobeck – she thanked Finance Director Storbeck and City Manager for their work on the budget and thanked them for being good stewards of the City’s funds. She thanked Clerk Cronen for her recent posts on social media.

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