

A Regular Meeting of the Otsego City Commission was held Monday, July 16, 2018.

The meeting was called to order by Mayor Trobeck at 7:00 p.m. with the following Commissioners present: Tom Gilmer, Nick Breedveld, Jim Misner and Stacey Withee. Absent: None.

Also present: Fire Chief, Brandon Weber; WWTP Superintendent, Luke Keyzer; and City Manager, Aaron Mitchell.

The audience joined the Commission in the Pledge of Allegiance.

The July 2, 2018, Regular Meeting Minutes were approved.

Commissioner Gilmer moved to add under Requests – Consideration of Change Order #1 for the WWTP Project – SCADA Improvements, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

REMARKS FROM THE AUDIENCE ON AGENDA ITEMS:

Al Radspieler, Hopkins, MI - asked if the City was replacing Champion Law Firm. The Mayor stated that the appointment is for the City's municipal attorney.

I. PRESENTATIONS:

A. LEGISLATIVE UPDATE FROM STATE REPRESENTATIVE MARY WHITEFORD

State Representative Whiteford was unable to attend the meeting.

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

IV. ORDINANCES:

V. REQUESTS:

A. CONSIDERATION OF A REQUEST FROM THE OTSEGO DISTRICT LIBRARY TO HOLD THEIR ANNUAL LYRICS ON THE LAWN JULY 26, AUGUST 2, 9, 16, 23, AND 30

Commissioner Withee moved to grant the request from the Otsego District Library to hold their Annual Lyrics on the Lawn July 26, August 2, 9, 16, 23, and 30, seconded by Commissioner Misner. CARRIED UNANIMOUSLY

B. CONSIDERATION OF A REQUEST FROM THE OTSEGO-PLAINWELL CHAMBER OF COMMERCE TO HOLD THEIR ANNUAL CREATIVE ARTS FESTIVAL ON SATURDAY, SEPTEMBER 22, 2018, AND CLOSE M-89 FROM 6 A.M. UNTIL 5 P.M.

City Manager Mitchell gave a brief overview of the new events that will be at the Creative Arts Festival. A discussion took place regarding the placement of the large tent, in regards to the stakes in the asphalt. Commissioner Misner moved to grant the request from the Otsego-Plainwell Chamber of Commerce to hold their Annual Creative Arts Festival on Saturday, September 22, 2018, and to close M-89 from 6:00 a.m. until 5 p.m., seconded by Commissioner Gilmer. CARRIED UNANIMOUSLY

C. CONSIDERATION OF CHANGE ORDER #1 FOR THE WWTP PROJECT – SCADA IMPROVEMENTS

Aaron Davenport of Jones and Henry was in attendance to give an overview of Change Order #1 and answer questions. He stated that the SCADA was always intended to be included in the project. Commissioner Breedveld moved to approve Change Order #1 for the WWTP Project – SCADA Improvements, not to exceed \$5,528.25, seconded by Commissioner Gilmer. CARRIED UNANIMOUSLY.

VI. AGREEMENTS:

A. CONSIDERATION OF AN AGREEMENT WITH WIGHTMAN FOR DESIGN SERVICES FOR THE ARMINTROUT PROPERTY CONCEPTUAL LAYOUT PLAN

Manager Mitchell gave an overview of the design services that Wightman would be providing for the conceptual layout of the Armintrout property. He indicated that having a document produced by professionals, with estimated prices for the infrastructure, will assist with the marketing of the property and also give the Commission an idea of the costs involved to develop the property. A lengthy discussion took place regarding the potential of the City developing the property to remain in control of what is developed or selling the property to a developer. Various uses for the property were also discussed. After the design work is complete the Commission will have a discussion on the next step.

VII. RESOLUTIONS:

A. RESOLUTION NO. 2018-14 -A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 22, 2018

Commissioner Misner offered the following resolution and moved for its adoption, seconded by Commissioner Gilmer.

CITY OF OTSEGO
MICHIGAN
RESOLUTION NO. 2018-14

A RESOLUTION REQUESTING PERMISSION FROM THE
MICHIGAN DEPARTMENT OF TRANSPORTATION
TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 22, 2018

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: Cyndi Trobeck, Tom Gilmer, Nick Breedveld, Stacey Withee, & Jim Misner.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

A. CONSIDERATION OF THE APPOINTMENT OF THE LAW FIRM OF CLARK HILL AS THE CITY'S ATTORNEY

Commissioner Withee moved to affirm the appointment of the Law Firm of Clark Hill as the City's Attorney, seconded by Commissioner Gilmer. CARRIED UNANIMOUSLY

IX. DISCUSSION ITEMS:

MANAGER'S REPORT

1. Updates on the following: DEQ sampling of township wells; Rock-Tenn abatement; Main Street Mud Volleyball and training; Kalamazoo River Meeting on August 1st, at Gun Plain Township; and recycling will move to Tuesdays, beginning in September.
2. He answered questions of the Commission.

COMMUNICATIONS

None.

REMARKS FROM THE AUDIENCE

Robert Alway, 1012 Barton – he stated that the elevation of the water tower should be taken into consideration when planning the development of the Armintrout property.

County Commissioner, Gale Dugan – he gave a County Commission update.

Janette Schurman, 734 Howard – she asked why the City was working through an insurance company regarding the sewage backup that occurred at her residence. She asked how an insurance company can decide and asked how they did their investigation. She gave a detailed description of the incident and asked what the City is going to do for her. Mayor Trobeck commented that it is in the hands of the insurance company and they base their decision on the law.

Al Radspieler, Hopkins - he questioned why a local attorney was not hired. Mayor Trobeck stated that the attorney appointed is a municipal attorney. He stated that the City has treated him badly. He made various complaints regarding his house that he is trying to fix up, his ticket, the other area buildings that need to be taken care of, the City Commission, and the City Staff.

Pat Peterson, Hopkins – she passed out information of the Senior Millage that will be on the August Ballot.

COMMISSIONERS' COMMENTS

Commissioner Misner – he commented that it was a very informative meeting. He thanked the audience for attending.

Commissioner Withee – she commented that she was excited that the Main Street Mud Volleyball was well attended. She thanked the audience for attending.

Commissioner Gilmer – he addressed Mr. Radspieler and his complaints. He stated that he has a great deal of faith in the Commission and the City staff. He thanked the audience for attending.

Commissioner Breedveld – no comments.

Mayor Trobeck – no comments.

The meeting was adjourned on a motion by Commissioner Withee, seconded by Commissioner Breedveld. CARRIED – 8:09 p.m.

Angela M. Cronen, MMC
City Clerk