

A Regular Meeting of the Otsego City Commission was held Monday, February 1, 2016.

The meeting was called to order by Mayor Gilmer at 7:00 p.m. with the following Commissioners present: Cyndi Trobeck, Ryan Wieber, Kathy Misner, and Stacey Withee. Absent: None. Also present City Manager Beard.

The audience joined the Commission in the Pledge of Allegiance.

The Regular Meeting Minutes of January 4, 2016, were approved as submitted.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

John Nichols, 323 Washington – ask for clarification regarding the power point that was presented at the January 4, 2016, Meeting. Manager Beard commented that he would address his concern during the new power point presentation.

I. PRESENTATIONS:

II. PUBLIC HEARING:

A. PUBLIC HEARING - TO ESTABLISH SINGLE PREMISE ASSESSMENTS FOR DELINQUENT CHARGES FOR CITY SERVICES

Mayor Gilmer opened the Public Hearing at 7:03 p.m. There being no comments the Public Hearing was closed at 7:04 p.m.

III. PLANNING AND ZONING:

A. CONSIDERATION OF RECOMMENDATION FROM THE PLANNING COMMISSION TO AMEND THE CITY’S ZONING ORDINANCE - SECTION 18.2 – NEON ILLUMINATION AND SECTION 18.5 SPECIFIC SIGN REQUIREMENTS

Mayor Gilmer stated that the Planning Commission reviewed and recommended the amendments to the City’s Zoning Ordinance, as presented. Commissioner Misner commented that she is glad that the City is catching up with the times. Mayor Gilmer read a prepared statement that explained the progression of the sign request leading up to this amendment that included the Zoning Administrators denial, the Zoning Board of Appeals denial, the hiring of attorneys, before the formal process began, which ultimately lead to the DDA/Main Street Board and Planning Commission’s review the ordinance. He also commented that social media can be a useful tool, but can also be tricky when irresponsible comments and speculations are made. He stressed that “we are your neighbors, we shop where you shop, and we attend the same schools, churches, and community functions.” He stressed that the Commission is always available and has a strong record of supporting local businesses and encouraging new ones. Commissioner Misner moved to amend the City’s Zoning Ordinance – Section 18.2 – Neon Illumination and Section 18.5 Specific Sign Requirements, as presented, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

IV. ORDINANCES:

V. REQUESTS:

VI. AGREEMENTS

A. CONSIDERATION OF A PROPOSAL WITH C2AE FOR PROFESSIONAL SERVICES – WATER SYSTEM RELIABILITY STUDY

Manager Beard stated that we are overdue to have a Water Reliability Study completed. He indicated that money had been set aside for the Study, but additional funds are needed to have it completed, which will be addressed in a budget adjustment later in the meeting. Commissioner Trobeck moved to authorize the City Manager to enter into an agreement with C2AE for Professional Services – Water Reliability Study, seconded by Commissioner Wieber. **CARRIED UNANIMOUSLY**

B. CONSIDERATION OF A LETTER OF UNDERSTANDING WITH THE POLICE OFFICERS LABOR COUNCIL REGARDING CHANGES TO THE HEALTH CARE PLAN

Manager Beard gave an overview of the process of changing Health Care providers and the changes that occurred to the service that the employee’s now receive. He thanked both the Police Officer’s Union and the DPW/WWTP Union for their cooperation and understanding. Commissioner Withee moved to authorize the Mayor and City Clerk to execute the agreement with the Police Officers Labor Council regarding changes to the Health Care Plan, as presented, second by Commissioner Misner. **CARRIED UNANIMOUSLY**

C. CONSIDERATION OF A LETTER OF UNDERSTANDING WITH THE LOCAL 25, AFSCME GROUP REGARDING CHANGES TO THE HEALTH CARE PLAN

Commissioner Wieber moved to authorize the Mayor and City Clerk to execute the agreement with the Local 25, AFSCME Group regarding changes to the Health Care Plan, as presented, second by Commissioner Withee. **CARRIED UNANIMOUSLY**

VII. RESOLUTIONS:

A. CONSIDERATION OF RESOLUTION NO. 2016-04 - A RESOLUTION TO APPROVE AND SUBMIT LANGUAGE FOR A DEDICATED PUBLIC SAFETY MILLAGE

Manager Beard presented the updated 2016 Public Safety Millage power point presentation. Commissioner Misner offered Resolution 2016-04 – a Resolution to Approve and Submit Language for a Dedicated Public Safety Millage, supported by Commissioner Trobeck

CITY OF OTSEGO
ALLEGAN COUNTY
MICHIGAN

RESOLUTION NO. 2016-04

**A RESOLUTION TO APPROVE AND SUBMIT
LANGUAGE FOR A DEDICATED PUBLIC SAFETY
MILLAGE**

WHEREAS, the City Commission believes that it is in the best interest of the City to provide increased funding for the Otsego police, fire and emergency services departments; and

WHEREAS, to provide for such funding, the City Commission is proposing to levy a new dedicated public safety millage for a 10 year period; and

WHEREAS, prior to such levy, it is necessary for the qualified electors of the City to approve such a millage by a majority vote; and

WHEREAS, prior to its formal approval of the corresponding ballot language, the City Commission, after providing proper notice, held a public hearing on January 19, 2015, to provide an opportunity for interested persons to be heard and to receive and consider communications in writing with reference to the proposed dedicated public safety millage; and

WHEREAS, the General Property Tax Act, Public Act 206 of 1893, as amended, requires that the form in which the proposed public safety millage shall be submitted on the ballot to the City's electors be determined by resolution of the City Commission.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Commission, by a majority vote of its members, approves and determines that a dedicated public safety millage shall be placed on the ballot for the consideration of the City's electors to read as follows:

Shall the City of Otsego levy a total of two mills (\$2.00 per \$1,000.00 on taxable value of property located in the City of Otsego) for ten years beginning with the 2016 tax levy year and running through the 2025 tax levy year, which will raise in the first year of such levy an estimated revenue of \$205,700, to be used for the specified purpose of operating, maintaining, equipping and purchasing for the City's police and fire departments and any other public safety purpose authorized by law? If approved, this would be a new additional levied millage.

2. The foregoing ballot language shall be submitted to the City's electors for their adoption or rejection at an election to be held on May 3, 2016, or such date to which this election may be rescheduled.

3. The City Clerk shall submit the ballot language and give notice of such election as required by law.

4. The City Manager, City Clerk, and City attorney are authorized and directed to take any and all actions needed to seek voter approval of the proposed millage.

5. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

YEAS: Commissioners: Tom Gilmer, Kathy Misner, Cyndi Trobeck, Ryan Wieber, & Stacey Withee

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

B. CONSIDERATION OF RESOLUTION NO. 2016-05 - A RESOLUTION OF
OPPOSITION TO PUBLIC ACT 269

A brief discussion took place regarding the impacts Public Act 269 will have on the City in reference to the upcoming Public Safety Millage Election. Commissioner Trobeck offered Resolution No. 2016-05 – a Resolution of Opposition to Public Act 269, seconded by Commissioner Wieber.

CITY OF OTSEGO
ALLEGAN COUNTY
MICHIGAN

RESOLUTION NO. 2016-05

A RESOLUTION OF OPPOSITION TO PUBLIC ACT 269

WHEREAS, Governor Snyder signed into law, with immediate, effect Public Act 269 (Senate Bill 571) despite wide spread calls for a veto of this bill, including from members of his own party; and

WHEREAS, both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 late into the night of December 16, 2015, just prior to recessing for the year; and

WHEREAS, one of the last minute amendments made to Senate Bill 571, without the knowledge of the Michigan Municipal League or other local government organization, and approved without any public testimony or awareness, was the new language inserted into Section 57, subsection (3); and

WHEREAS, this new law prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within 60 days of an election, and

WHEREAS, this law places an immediate gag order on entities with ballot questions on the March 8 ballot and every election thereafter; and

WHEREAS, municipal elected and appointed officials have a civic and legal duty to the residents of their communities to fully inform them regarding the issues placed before them, upon which they may exercise their constitutional right to vote; and

WHEREAS, existing laws, including the former language in Section 57, and decades of guidance from the Michigan Secretary of State, already prohibit the use of public funds to advocate for or against ballot issues; and

WHEREAS, existing laws already provided for an allowance for elected and appointed officials to express their views without fear of violating the act; and

WHEREAS, because the new law bans only communication on *local* ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and

WHEREAS, there are substantial questions regarding the constitutionality and legality of the new law, including a possible ban on freedom of speech;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Otsego calls for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2016; and

NOW, THEREFORE, BE IT FINALLY RESOLVED, that a copy of this Resolution be forwarded to the City of Otsego's state representatives in the Michigan House of Representatives and the Michigan Senate.

YEAS: Commissioners: Tom Gilmer, Kathy Misner, Cyndi Trobeck, Ryan Wieber, & Stacey Withee

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

C. **CONSIDERATION OF RESOLUTION NO. 2016-06- A RESOLUTION TO ESTABLISH SINGLE PREMISE ASSESSMENTS FOR DELINQUENT CHARGES FOR CITY SERVICES**

Commissioner Withee offered the Resolution No. 2016-06 – a Resolution to Establish Single Premise Assessments for Delinquent Charges for City Services and moved for its adoption, supported by Commissioner Misner.

CITY OF OTSEGO
ALLEGAN COUNTY
MICHIGAN

RESOLUTION NO. 2016-06

A RESOLUTION TO ESTABLISH SINGLE PREMISE ASSESSMENTS FOR DELINQUENT CHARGES FOR CITY SERVICES

WHEREAS, Otsego City Code of Ordinances Section 62-11 establishes the procedure for the collection of expenditures incurred by the city for services rendered for particular premise or premises which are not of the class required to be prorated among several lots and parcels in a special assessment district; and

WHEREAS, the City of Otsego has provided such services and has not received payments from the respective property owners for more than 30 days upon sending notice of outstanding amounts; and

WHEREAS, property owners with outstanding amounts for services were notified that a public hearing would be held concerning the establishment of a single premise assessment roll more than ten days prior to the hearing date.

NOW, THEREFORE, IT IS RESOLVED THAT: the City of Otsego hereby establishes the following Single Premise Assessment Roll for the following parcels of property which are identified by their tax identification number, property owner, address, amount owing and service rendered:

Parcel Number	Owner Name	Property Address	Invoice Number	Amount Due	Service Provided
03-54-103-010-50	Glocheski, Patrick, Bernard & Joyce	123 N. Platt	1874	\$27.50	Transfer Station
03-54-700-053-00	Goulding, Kathleen.	327 Garfield St.	1887	84.99	Mowing
03-54-800-018-00	Null Investments LLC	516 Catherine	1891	56.60	Mowing

BE IT FURTHER RESOLVED that the above single premise assessments are due in full by Wednesday, February 17, 2016; and

BE IT FURTHER RESOLVED that after the due date, all unpaid single site assessments shall be returned delinquent to the Allegan County Treasurer and be placed as a lien against the respective properties.

YEAS: Commissioners: Tom Gilmer, Kathy Misner, Cyndi Trobeck, Ryan Wieber, & Stacey Withee

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

D. CONSIDERATION OF RESOLUTION NO. 2016-07 – A RESOLUTION TO AMEND THE 2015-2016 ANNUAL APPROPRIATIONS BILL

Commissioner Wieber offered Resolution No. 2016-07 – a Resolution to Amend the 2015-2016 Annual Appropriations Bill and moved for its adoption, supported by Commissioner Withee.

CITY OF OTSEGO
ALLEGAN COUNTY
MICHIGAN

RESOLUTION NO. 2016-07

RESOLUTION TO AMEND THE 2015-2016 ANNUAL APPROPRIATIONS BILL

WHEREAS, the Otsego City Commission approved the 2015-2016 Annual Appropriations Bill which limited amounts for expenditures and anticipated revenues for the 2015-2016 fiscal year; and

WHEREAS, upgrades to the storage system for DPW Equipment Fund loose road material inventory such as gravel and sand is being improved with the installation of concrete block storage areas projections; and

WHEREAS, the failure of one sludge pump at the wastewater treatment facility requires the reassignment of capital improvement funds in the amount of \$62,000 to replace both 1989 sludge pumps and associated piping critical to the continued operation of the plant and postpone rehabilitation of the primary clarifiers; and

WHEREAS, a formal reliability study of Water Fund infrastructure is now required to be completed this fiscal year; and

WHEREAS, the Otsego City Commission wishes to formally amend the annual appropriations bill and approved capital improvement projects in acknowledgement of the need for said revisions,

THEREFORE, BE IT RESOLVED, that the Otsego City Commission hereby approves the following increases and decreases to the 2015-2016 Annual Appropriations Bill:

Water Fund Expenditures	
591-552-802.000 <u>Water Fund Administration Contracts</u>	\$ 8,000.00
Net Increase/(Decrease)	\$ 8,000.00
DPW Equipment Fund Expenditures	
661-442-760.000 Minor Equipment Purchases	\$ 3,000.00
661-442-933.000 <u>Equipment Maintenance</u>	(\$ 3,000.00)
Net Increase/(Decrease)	\$ 0.00

YEAS: Commissioners: Tom Gilmer, Kathy Misner, Cyndi Trobeck, Ryan Wieber, & Stacey Withee

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

IX. DISCUSSION ITEMS:

MANAGER'S REPORT

1. He gave updates on the following: Budget process begins in March; Capital Improvement at the Fire Department; and the South Farmer Street Road Project. Commissioner Trobeck asked if MDOT was on schedule for the M-89 project. Manager Beard indicated that they were on schedule.

COMMUNICATIONS

None.

REMARKS FROM THE AUDIENCE

Robert Alway, 1012 Barton – he commented that the Red Cross will be at the Church of God on February 2nd, from 2pm-5pm, if anyone wants to give blood.

Jared Polonowski, Dougie's – he gave an update on his building renovations. He commented that the trash receptacles in the downtown are a problem for him, as he needs more space and once his business is open he will require even more space and would like to have a bin for recycling in the future. Manager Beard stated that the DDA would be the Board to express concerns to, as the trash receptacles are paid for with DDA funds.

Al Radspieler, Hopkins, MI – he asked for the Mayor and City Manager to visit his property at 132 River Street. After a lengthy explanation of why he wanted the Mayor and City Manager to visit the property, he will call the City Manager to set-up an appointment.

COMMISSIONERS' COMMENTS

Commissioner Misner – she commented that every Police Report she reads there are always references to our officers helping motorists or taking children home, etc. She commended and thanked them for having the attitude of small-town community policing.

Commissioner Wieber – he thanked the audience for attending the meeting and appreciated the comments.

Commissioner Trobeck – she asked that Jared Polonowski keep everyone updated on the progress and opening of Dougie's.

Commissioner Withee – she thanked both the Police and DPW/WWTP Unions for their willingness to work with the City regarding health insurance, as they put the City first.

Mayor Gilmer – he congratulated Dennis Brown for obtaining MDEQ Level S-3 License. He stated that our Water Department is on top of things and he mentioned that a recent article in the Kalamazoo Gazette revealed levels of lead in drinking water in all of the local communities. He stated that he was happy to report that the City of Otsego was at zero ppb, he also mentioned that the City of Plainwell was also at zero ppb. He also thanked the Allegan County News for their recent editorial on Act 269. He commented that it has been interesting watching the progress of Dougie's. He thanked the audience for attending.

The meeting was adjourned on a motion by Commissioner Misner, seconded by Commissioner Withee. CARRIED – 8:16 p.m.

Angela M. Cronen, MMC
City Clerk