

A Regular Meeting of the Otsego City Commission was held Monday, April 18, 2016.

The meeting was called to order by Mayor Gilmer at 7:00 p.m. with the following Commissioners present: Kathy Misner, Ryan Wieber, Cyndi Trobeck, 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 April 4, 2016, were approved as submitted.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

I. PRESENTATIONS:

A. PRESENTATION OF 2016-2017 ANNUAL APPROPRIATIONS BILL – CAPITAL PROJECT FUND, EQUIPMENT FUND, & DDA FUND

Finance Director Matthew Storbeck presented the Capital Project Fund, Equipment Fund and DDA Funds for the fiscal year 2016-2017. Anticipated revenue for the Capital Project Fund is \$92,025 and anticipated expense is \$181,950, capital improvements of \$111,950 – lot expenses. Anticipated revenue for the Equipment Fund is \$227,700 and anticipated expense is \$377,165, capital improvements of \$170,000 – new plow truck and vehicle. Anticipated revenue for the DDA Fund is \$251,485, and anticipated expense is \$341,055, no capital improvements.

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

IV. ORDINANCES:

A. SECOND READING AND ADOPTION OF ORDINANCE NO. 157 – AN ORDINANCE TO AMEND SECTION 78-36 OF THE CODE OF ORDINANCES OF THE CITY OF OTSEGO TO REGULATE BUILDING SEWERS AND CONNECTIONS

Commissioner Misner, supported by Commissioner Trobeck, moved for the adoption of the following ordinance:

ORDINANCE NO. 157

AN ORDINANCE TO AMEND SECTION 78-36 OF THE CODE OF ORDINANCES OF THE CITY OF OTSEGO TO REGULATE BUILDING SEWERS AND CONNECTIONS

THE CITY OF OTSEGO ORDAINS:

Section 1. Amendment. Chapter 78, “Utilities,” Article II, “Sewers,” Section 78-36 of the Code of Ordinances of the City of Otsego, Michigan, is hereby amended to read as follows:

Sec. 78-36. Building sewers and connections.

(a) *Permit required*. No unauthorized person shall uncover, make any connections with

or opening into, use, alter or disturb any part or appurtenance of the sanitary sewer system without first obtaining a written permit from the superintendent.

(b) *Classes of permits; application.* There shall be two classes of building sewer permits: (1) for domestic wastes, and (2) for industrial users. The owner or the owner's agent shall make application on a form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information requested under the provisions of this division or considered pertinent in the judgment of the superintendent or building official. A permit and inspection fee as prescribed by resolution of the council shall be paid to the city treasurer at the time the application is filed.

(c) *Payment of costs; indemnification of city.* All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner or applicant. The city or a contractor hired or approved by the city shall construct any needed lateral or stub from the sanitary sewer system main to the property line. The property owner shall pay all costs of such construction. The owner or applicant shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(d) *Separate sewer required for each building; exception.* A separate and independent building sewer shall be provided for every building. Exceptions will be considered by the superintendent only for preexisting buildings which cannot otherwise be connected to the sanitary sewer system. Exceptions will also be considered by the superintendent for integrated manufacturing facilities with process or assembly connections between buildings.

(e) *Use of old building sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent or building official, to meet all requirements of this division and adopted plumbing code standards.

(f) *Construction specifications.* The size, slope, alignment materials and construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9 shall apply. All building drains shall have check valves or other backflow preventers or the city shall be immune from liability for and shall not pay any claims resulting from any backflow of wastewater into the building.

(g) *Elevation.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the sanitary sewer system, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer at the expense of the owner.

(h) *Connection to sources of runoff prohibited.* No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of uncontaminated surface runoff or groundwater to a building sewer or building drain

which in turn is connected directly or indirectly to a public sanitary sewer.

(i) *Connection specifications.* The connection of the building sewer into the sanitary sewer system shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications, which shall require that the connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the building official before installation.

(j) *Notification of readiness for inspection and connection.* The applicant for the building sewer permit shall notify the superintendent when the sewer is ready for inspection and connection to the sanitary sewer system. The connection shall be made under the supervision of the building official.

(k) *Excavations.* All excavating for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city manager at the expense of the owner.

(l) *Capacity available downstream.* Connections will not be permitted if there is inadequate capacity available in the downstream portions of the sanitary sewer system.

(m) *Maintenance.* The owner of property which is served by the sanitary sewer system shall, at his or her own expense, maintain and repair the private sewer lines and laterals located on his or her property. The property owner shall be responsible for the maintenance, repair and cleaning of the entire sewer line or lateral connecting their building, structure or residence to the sanitary sewer system main, local collector, trunk or interceptor sewer, and shall also be responsible for replacement of sewer lines or lateral sections existing between the building, structure or residence and the sanitary sewer system main, local collector, trunk or interceptor sewer. The city shall be responsible for the maintenance, cleaning and repair of the sanitary system sewer main and shall have no responsibility of any sort for private sewer lines or lateral lines located on the owner's property. The city's obligation to clean sewer lines extends only to the sanitary sewer system main which collects and transmits the sewage of various properties served by the sewer system. The city shall have no responsibility to clean any private sewer lines or lateral lines.

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: Tom Gilmer, Kathy Misner, Cyndi Trobeck, Ryan Wieber, and Stacey Withee.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

ORDINANCE NO. 157 DECLARED ADOPTED.

V. REQUESTS:

- A. CONSIDERATION OF A REQUEST FROM THE OTSEGO VFW TO HOLD A MEMORIAL DAY PARADE ON MONDAY, MAY 30, 2016, BEGINNING AT APPROXIMATELY 9:30 A.M., AFTER THE CEREMONY AT THE CEMETERY

Commissioner Wieber moved to grant the request from the Otsego VFW to hold a Memorial Day Parade on Monday, May 30, 2016, beginning at approximately 9:30 a.m., after the ceremony at the cemetery, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

- B. CONSIDERATION OF A REQUEST FROM THE OTSEGO CHAMBER OF COMMERCE TO PLACE A SIGN IN THE CITY RIGHT OF WAY ON ALLEGAN STREET IN FRONT OF THE CHURCH OF GOD PARKING LOT, FROM MAY 7, 2016, THROUGH OCTOBER 31, 2016, TO ADVERTISE THE FARMER'S MARKET

Commissioner Trobeck moved to grant a request from the Otsego Chamber of Commerce to place a sign in the City right-of-way on Allegan Street in front of the Church of God parking lot, from May 7, 2016, through October 31, 2016, to advertise the Farmer's Market, seconded by Commissioner Misner. CARRIED UNANIMOUSLY

- C. CONSIDERATION OF A REQUEST FROM THE OTSEGO CHAMBER OF COMMERCE TO PLACE A SIGN ON THE SOUTHEAST CORNER OF THE DOWNTOWN MAIN FOUR CORNERS FROM 8AM TO 2PM EACH SATURDAY BEGINNING ON MAY 7, 2016, THROUGH OCTOBER 31, 2016, TO ADVERTISE THE FARMER'S MARKET

Commissioner Misner moved to grant the request from the Otsego Chamber of Commerce to place a sign on the southeast corner of the downtown main four corners from 8:00 a.m. to 2:00 p.m., each Saturday beginning on May 7, 2016, through October 31, 2016, to advertise the Farmer's Market, seconded by Commissioner Trobeck. CARRIED UNANIMOUSLY

- D. CONSIDERATION OF A REQUEST FROM OTSEGO ROTARY CLUB TO HOST A 5K RUN ON JUNE 4, 2016, THROUGH CERTAIN CITY STREETS

Commissioner Withee moved to grant the request from the Otsego Rotary Club to host a 5K run on June 4, 2016, through certain City Streets, seconded by Commissioner Wieber. CARRIED UNANIMOUSLY

VI. AGREEMENTS

VII. RESOLUTIONS:

- A. CONSIDERATION OF RESOLUTION NO. 2016-14 - SPECIAL ASSESSMENT RESOLUTION #4 – SETTING A PUBLIC HEARING DATE FOR MAY 2, 2016 - FOR THE SIDEWALK AND CURB AND GUTTER IMPROVEMENTS AND/OR ADDITIONS ON SOUTH FARMER STREET

Commissioner Wieber offered the following resolution and moved for its adoption, seconded by Commissioner Withee.

CITY OF OTSEGO
MICHIGAN

RESOLUTION NO. 2016-14

SPECIAL ASSESSMENT RESOLUTION #4 –
SETTING A PUBLIC HEARING DATE FOR MAY 2, 2016 - FOR THE
SIDEWALK AND CURB AND GUTTER IMPROVEMENTS AND/OR ADDITIONS
ON SOUTH FARMER STREET

WHEREAS, the City Commission by resolution heretofore adopted to direct the City Assessor to prepare a Special Assessment Roll for the purpose of defraying the Special Assessment District's share of the cost of the improvement hereinafter more particularly described; and

WHEREAS, said Special Assessment Roll has been prepared and certified as required by said resolution and the Charter and Ordinances of the City and has been filed in the office of the City Clerk and has been presented to the City Commission.

BE IT RESOLVED:

- (1) Said Special Assessment Roll shall remain on file in the Office of the City Clerk and be available for public inspection.
- (2) The City Clerk shall give notice of a public hearing by first class mail posted at least 10 days prior to said hearing to each person or owner having an interest in property assessed in the special assessment district shown on said roll, and said notice shall also be given by publication when required by general law.
- (3) The notice of hearing shall be in substantially the following form:

PLEASE TAKE NOTICE that the City Commission has tentatively determined to make improvements consisting of sidewalk and curb and gutter improvements on Farmer Street; in the City and to defray part or all of the cost by special assessment upon the following described lands:

FARMER STREET

Parcel Numbers:

54-100-049-50	54-100-050-00	54-100-050-20
54-100-050-40	54-100-052-00	54-100-054-20
54-100-054-40	54-100-074-00	54-100-075-00
54-100-076-00	54-100-093-30	54-100-093-40
54-100-093-50	54-100-093-60	54-100-093-70
54-100-093-85	54-100-093-95	54-114-001-00
54-114-002-00	54-114-003-00	54-114-011-00
54-114-012-00	54-115-001-00	54-115-002-00
54-115-006-00	54-115-007-00	

TAKE FURTHER NOTICE that the report of the City Manager describing the proposed improvement and the special assessment roll are on file in the Office of the City Clerk and available for public inspection.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the state tax tribunal. A written appeal may be filed by the property owner or any person having an interest in the affected real property with the State Tax Tribunal within 30 days following the confirmation of the Special Assessment Roll, provided the Special Assessment was protested at the hearing.

TAKE FURTHER NOTICE that the City Commission will meet at the Otsego City Hall in said City on Monday, May 2, 2016, at 7:00 p.m. local time for the purpose of reviewing said Special Assessment Roll and hearing all persons interested therein and consider all written objections thereto, regarding the expense, necessity and assessment thereof.

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

B. CONSIDERATION OF RESOLUTION NO. 2016-15 - A RESOLUTION TO APPROVE AND SUBMIT BALLOT LANGUAGE FOR FUNDING OF WASTE REDUCTION PROGRAMS AND FOR THE COLLECTION OF MATERIALS FOR RECYCLING

Manager Beard explained that the ballot language would potentially be on the August 2016 ballot. A lengthy discussion took place regarding the uses of the additional funds that would be collected. Commissioner Wieber commented that he didn't feel comfortable voting on the resolution, because there was not enough information. It was the consensus of the commission to have Manager Beard ask a representative of the County to attend the next meeting, for more clarification.

Commissioner Trobeck offered the following resolution and moved for its adoption, seconded by Commissioner Withee.

CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN

RESOLUTION NO. 2016-15

**A RESOLUTION TO APPROVE AND SUBMIT LANGUAGE
FOR FUNDING OF WASTE REDUCTION PROGRAMS AND FOR THE
COLLECTION OF MATERIALS FOR RECYCLING**

WHEREAS, if approved by the voters of the City of Otsego, Public Act 69 of 2005 permit a County to charge not more than \$4.00 per month or \$50.00 per year per household for waste reduction programs and for the collection of consumer source separated materials for recycling or composting, including but not limited to, recyclable materials, as defined in Part 115 of the Natural Resources and Environmental Protection Act, 1994 P.A. 451, MCL 324.11501 to 324.11550, household hazardous wastes, tires, batteries, and yard clippings;

WHEREAS, the Allegan County Board of Commissioners authorized an election under P.A. 69 of 2005 scheduled for August 2, 2016;

WHEREAS, the County Administrator for Allegan County is designated as the individual to negotiate the interlocal agreement between the City of Otsego and the County;

WHEREAS, the amount of the surcharge is \$36.00 per household;

WHEREAS, commercial businesses will not be subject to the proposed surcharge;

WHEREAS, a voter-approved surcharge is a mandatory charge to be collected as part of billings for property taxes, both current and delinquent;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Commission, by a majority vote of its members, approves ballot wording for the consideration of the City's electors to read as follows:

To continue and expand solid waste reduction programs under the Allegan County Solid Waste Management Plan, shall Allegan County, pursuant to 1989 P.A. 138, as amended by 2005 P.A. 69, impose an annual surcharge on all households in the City of Otsego in the amount of \$36 per household per year for a period of five years (2016-2020, inclusive) to cover operational costs of the programs and to be distributed to Allegan County to fund the collection of materials for recycling including, but not limited to, recyclable materials, household hazardous wastes, tires, batteries, and yard clippings, as provided in the Allegan County Solid Waste Management Plan?

[] Yes

[] No

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 August 2, 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 & Cyndi Trobeck.

NAYS: Commissioners: Kathy Misner, Ryan Wieber, & Stacey Withee.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED NOT ADOPTED.

Commissioner Misner departed at 7:45 p.m.

C. CONSIDERATION OF RESOLUTION NO. 2016-16 – A RESOLUTION
REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF
TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY
JUNE 4, 2016, FOR THE OTEGO ROTARY 5K

Commissioner Trobeck offered the following resolution and moved for its adoption,
seconded by Commissioner Wieber.

CITY OF OTSEGO
MICHIGAN
RESOLUTION NO. 2016-16

A RESOLUTION REQUESTING PERMISSION FROM THE
MICHIGAN DEPARTMENT OF TRANSPORTATION
TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, JUNE 4, 2016
FOR THE ROTARY 5K

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: Tom Gilmer, Ryan Wieber, Cyndi Trobeck & Stacey Withee.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Kathy Misner.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

IX. DISCUSSION ITEMS:

MANAGER'S REPORT

1. He gave updates on the following: Meeting with Georgia Pacific regarding the dam; General Fund presentation at next meeting; Farmer Street has been issued a job number; and the new fire truck repairs.

COMMUNICATIONS

None.

REMARKS FROM THE AUDIENCE

Robert Alway, 1012 Barton – he asked if most of the TIF capture is from USG. Finance Director Storbeck indicated that the majority of the TIF is from USG. He asked for an explanation of work plan revenue, as referred to in the DDA budget. Manager Beard explained the possible work plan revenues.

COMMISSIONERS' COMMENTS

Commissioner Trobeck – she thanked Finance Director Storbeck and Manager Beard for all of the time they put in preparing the budget presentations.

Commissioner Withee – she also thanked Finance Director Storbeck. She commented that she is glad that more information will be presented regarding the recycling millage.

Mayor Gilmer – he announced that the City Clerk had recently attend the Michigan Association of Municipal Clerk's Education Day. He stated that Daniel Bosch Day was a great, delightful day for a remarkable little boy and his family.

The meeting was adjourned on a motion by Commissioner Trobeck, seconded by Commissioner Withee. CARRIED – 7:32 p.m.

Angela M. Cronen, MMC
City Clerk