

A Regular Meeting of the Otsego City Commission was held Monday, June 20, 2016.

The meeting was called to order by Mayor Gilmer at 7:00 p.m. with the following Commissioners present: Kathy Misner, Ryan Wieber, and Cyndi Trobeck. Absent: Stacey Withee. Also present City Manager Beard.

The audience joined the Commission in the Pledge of Allegiance.

Commissioner Trobeck moved to excuse Commissioner Withee, seconded by Commissioner Misner. CARRIED.

The Regular Meeting Minutes of June 6, 2016, were approved as submitted.

## **REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS**

### **I. PRESENTATIONS:**

- A. Abigail Nobel was in attendance to introduce herself and announce that she is running for State Representative.
- B. Department of Public Works Superintendent, Mike Bosch introduced Jason Emig, the newest employee at the DPW. The Commission welcomed Jason.

### **II. PUBLIC HEARING:**

### **III. PLANNING AND ZONING:**

### **IV. ORDINANCES:**

### **V. REQUESTS:**

- A. CONSIDERATION OF REQUEST FROM THE OTSEGO CHAMBER OF COMMERCE TO HOLD THEIR ANNUAL CREATIVE ARTS FESTIVAL ON SEPTEMBER 24, 2016, AND TO CLOSE STATE HIGHWAY M-89 AT 6:00 A.M. UNTIL 5:00 P.M.

Traci Runcie, Co-Chair of the Creative Arts Festival was in attendance and announced that there would not be a beer tent at this year's event, and they will be adding a petting zoo and RC car race. Manager Beard commented that the re-routing of traffic may be different this year, if Farmer Street is not passable at Franklin Street. He will be working with the City's engineers to find the best alternative if needed. Commissioner Wieber moved to grant the request from the Otsego Chamber of Commerce to hold their Annual Creative Arts Festival on September 24, 2016, and to close State Highway M-89 at 6:00 a.m. until 5:00 p.m., seconded by Commissioner Misner. CARRIED UNANIMOUSLY

### **VI. AGREEMENTS**

### **VII. RESOLUTIONS:**

A. CONSIDERATION OF A RESOLUTION NO. 2016-23 – A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 24, 2016

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

CITY OF OTSEGO  
MICHIGAN  
RESOLUTION NO. 2016-23

A RESOLUTION REQUESTING PERMISSION FROM THE  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 24, 2016

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, Kathy Misner, Cyndi Trobeck, & Ryan Wieber.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Stacey Withee.

RESOLUTION DECLARED ADOPTED.

**B. CONSIDERATION OF RESOLUTION NO. 2016-24 – A RESOLUTION TO AMEND THE ANNUAL APPROPRIATIONS BILL**

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

**CITY OF OTSEGO  
MICHIGAN  
RESOLUTION NO. 2016-24**

**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, certain activities 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 2015-2016 Annual Appropriations Bill:

General Fund Revenues

101-000-477.000 Building Permits	\$	12,000.00
101-000-478.000 Electrical Permits	\$	1,500.00
101-000-479.000 Mechanical Permits	\$	3,600.00
101-000-673.002 Sale of Vehicles & Equipment	\$	5,400.00
<u>101-000-699.401 Transfer In from Capital Project Fund</u>	<u>\$</u>	<u>90,000.00</u>
Net Increase/(Decrease)	\$	112,500.00

General Fund Expenditures

101-215-826.000 City Clerk Legal	\$	1,000.00
101-257-802.000 Assessing Contracts	(\$)	2,500.00
101262-709.001 Election Worker Wages	(\$)	1,000.00
101-265-940.000 City Hall Motor Equipment Rental	\$	1,000.00
101-301-703.001 Police Dept – Sergeant Wages	\$	40,000.00
101-371-802.000 Bldg Insp – Contracts Bldg Insp	\$	13,000.00
101-371-803.000 Bldg Insp – Contracts Elec Insp	\$	1,600.00
101-371-804.000 Bldg Insp – Contracts Mech Insp	\$	4,000.00
101-443-706.000 Gen'l Svcs – DPW Wages	(\$)	10,000.00
101-525-940.000 Recycling Motor Equipment Rental	(\$)	10,000.00
101-528-706.000 Transfer Station – DPW Wages	\$	2,500.00
101-528-716.000 Transfer Station – Hospitalization	\$	1,000.00
101-528-940.000 Transfer Station – Motor Equipment Rental	\$	5,000.00
101-651-835.001 Ambulance Contract	\$	100.00
101-721-728.000 Planning Commission Postage	\$	200.00
101-721-802.000 Planning Commission Contracts	\$	500.00
101-728-760.000 Economic Development Minor Equipment	(\$)	1,000.00
<u>101-901-975.336 Cap Imp – Fire Dept Bldg Imp</u>	<u>\$</u>	<u>500.00</u>
Net Increase/(Decrease)	\$	45,900.00

Major Street Fund Revenues

<u>202-000-569.000 State Grants – Other</u>	<u>\$</u>	<u>6,500.00</u>
Net Increase/(Decrease)	\$	6,500.00

Major Street Fund Expenditures

202-467-702.001 ROW Maint – DPW Wages	\$	11,000.00
202-467-716.000 ROW Maint – Hospitalization	\$	4,000.00
202-467-721.000 ROW Maint – Workers Comp Ins	\$	550.00
202-467-740.000 ROW Maint – Operating Supplies	\$	7,000.00
202-467-802.000 ROW Maint - Contracts	\$	7,000.00
202-467-940.000 ROW Maint – Motor Equip Rental	\$	500.00
202-468-706.000 Trees & Shrubs – DPW Wages	\$	2,000.00
202-468.718.000 Trees & Shrubs – Retirement	\$	250.00
202-468-940.000 Trees & Shrubs – Motor Equipment Rental	\$	4,000.00
202-473-802.000 Bridge Maintenance Contracts	(\$)	5,000.00
202-475-740.000 Traffic Signs and Signals – Operating Supplies	(\$)	1,000.00
202-478-706.000 Winter Maint – DPW Wages	(\$)	5,000.00
202-478-716.000 Winter Maint – Hospitalization	(\$)	1,000.00
202-478-740.000 Winter Maint – Operating Supplies	(\$)	5,000.00
202-478-940.000 Winter Maint – Motor Equipment Rental	(\$)	6,000.00
202-483-802.000 Administration – Contracts	\$	9,000.00
202-483-826.000 Administration – Legal	\$	1,000.00
202-483-716.000 Administration – Hospitalization	\$	1,000.00
202-483-801.000 Administration – Banking Charges	\$	1,000.00
202-494-706.000 M-89 Traffic Signs & Signals – DPW Wages	\$	500.00
202-494-716.000 M-89 Traffic Signs & Signals – Hospitalization	\$	250.00

202-494-940.000 M-89 Traffic Signs & Signals – Motor Equip Rent	\$	250.00
202-901-970.000 Capital Outlay	\$	55,000.00
Net Increase/(Decrease)	\$	81,300.00

Local Street Fund Revenues		
203-000-569.000 State Grants – Other	\$	2,000.00
Net Increase/(Decrease)	\$	2,000.00

Local Street Fund Expenditures		
203-483-801.000 Administration – Banking Charges	\$	1,000.00
Net Increase/(Decrease)	\$	1,000.00

Street & Bridge Fund Expenditures		
211-991-801.000 Banking Charges	\$	500.00
Net Increase/(Decrease)	\$	500.00

DDA/Main Street Expenditures		
248-729-802.000 DDA/MS District Contracts	(\$	2,700.00)
248-901-974.000 Capital Improvements - Land Improvements	\$	2,700.00
Net Increase/(Decrease)	\$	0.00

Capital Project Fund Revenues		
401-000-673.000 Gross Sale of Lots	\$	60,000.00
Net Increase/(Decrease)	\$	60,000.00

Capital Project Fund Expenditures		
401-901-967.000 Adjustment for Sale of Developed Lots	\$	60,000.00
401-991-999.101 Transfer to General Fund	\$	90,000.00
Net Increase/(Decrease)	\$	150,000.00

Sewer Fund Expenditures		
590-537-802.000 Contracts	\$	30,000.00
Net Increase/(Decrease)	\$	30,000.00

Equipment & Replacement Capital Improvement Fund Expenditures		
402-901-981.336 Fire Truck Purchase	\$	3,340.00
Net Increase/(Decrease)	\$	3,340.00

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Stacey Withee.

RESOLUTION DECLARED ADOPTED.

C. CONSIDERATION OF RESOLUTION NO. 2016-25 - A RESOLUTION TO APPROVE CONTRACT NO. 16-5319 BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION AND THE CITY OF OTSEGO MICHIGAN

Manager Beard explained that the contract with MDOT is an Advanced Construction Contract for the Farmer Street construction project, which calls out the City receiving \$375,000, from Small Urban Funds.

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

CITY OF OTSEGO  
MICHIGAN  
RESOLUTION NO. 2016-25

A RESOLUTION TO APPROVE CONTRACT NO. 16-5319  
BETWEEN THE MICHIGAN DEPARTMENT OF TRANSPORTATION  
AND THE CITY OF OTSEGO MICHIGAN

WHEREAS, the City of Otsego desires to complete concrete curb and gutter work along South Farmer Street from Hammond Street northerly to Allegan Street; including concrete sidewalk and sidewalk ramp construction, and hot mix asphalt resurfacing work; and all together with necessary related work; with Federal Participation; and Sanitary and Water Main construction work along South Farmer Street within the limits as described above, and all together with necessary related work; without Federal Participation; and

WHEREAS, the City of Otsego has received funding for this project from the U.S. Department of Transportation, Federal Highway Administration, Surface Transportation Program; and

WHEREAS, the City of Otsego desires to enter into a contract with the Michigan Department Transportation for the purpose of fixing the rights and obligations of the parties in agreeing to the above mentioned improvements; and

NOW, THEREFORE, IT IS RESOLVED THAT, the Otsego City Commission hereby approves the contract between the City and the Michigan Department of Transportation for concrete curb and gutter work along South Farmer Street from Hammond Street northerly to Allegan Street; including concrete sidewalk and sidewalk ramp construction, and hot mix asphalt resurfacing work; and all together with necessary related work; with Federal Participation; and Sanitary and Water Main construction work along South Farmer Street within the limits as described above, and all together with necessary related work; without Federal Participation

BE IT FURTHER RESOLVED THAT Mayor, Tom Gilmer and City Clerk, Angela M. Cronen are specifically authorized to enter into this contract – No. 16-5319, with the Michigan Department of Transportation.

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Stacey Withee.

RESOLUTION DECLARED ADOPTED.

**VIII. APPOINTMENTS:**

**IX. DISCUSSION ITEMS:**

**MANAGER'S REPORT**

1. He gave updates on the following: Meeting with Senator Upton; Fire Department and Police Department will be honored at a future meeting acknowledging their Life Saving Awards and recognition from the State for their training; update on MDOT's work on M-89; and signage for pedestrians on M-89.

**COMMUNICATIONS**

None.

**REMARKS FROM THE AUDIENCE**

None.

**COMMISSIONERS' COMMENTS**

Commissioner Wieber – he welcomed new employee Jason Emig.

Commissioner Trobeck – she welcomed new employee Jason Emig.

Mayor Gilmer – he announced that the next meeting will be on July 5, 2016. He thanked the audience for attending.

The meeting was adjourned on a motion by Commissioner Misner, seconded by Commissioner Trobeck. CARRIED – 7:36 p.m.

Angela M. Cronen, MMC  
City Clerk