

A Regular Meeting of the Otsego City Commission was held Monday, November 7, 2016.

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

The audience joined the Commission in the Pledge of Allegiance.

The Regular Meeting Minutes of October 17, 2016, were approved as submitted.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

I. PRESENTATIONS:

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

A. CONSIDERATION OF SITE PLAN APPROVAL FOR BLEEKER STORAGE AT 363 W RIVER STREET

Manager Beard gave an overview of the site plan and the comments from the Planning Commission. He stated that the storage facility is a principle permitted use within the zoning district. Commissioner Trobeck moved to approval the Site Plan for Bleeker Storage at 363 West River Street, seconded by Commissioner Misner.

IV. ORDINANCES:

V. REQUESTS:

A. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO HOLD A CHRISTMAS PARADE AT 7PM, ON DECEMBER 3, 2016, AS PRESENTED

Commissioner Wieber moved to grant the request from the Otsego/Plainwell Chamber of Commerce to hold a Christmas Parade at 7pm, on December 3, 2016, as presented, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

B. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO DISPLAY "LIFE SIZE" CHRISTMAS CARDS AT BROOKSIDE PARK FROM NOVEMBER 18, 2016, THROUGH JANUARY 7, 2017

Commissioner Misner moved to grant a request from the Otsego/Plainwell Chamber of Commerce to display "Life Size" Christmas Cards at Brookside Park from November 18, 2016, through January 7, 2017, seconded by Commissioner Trobeck. CARRIED UNANIMOUSLY

C. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER FOR AN OPEN FIRE IN FRONT OF THE CHAMBER BUILDING ON DECEMBER 3, 2016

Commissioner Wieber moved to grant the request from the Otsego/Plainwell Chamber of Commerce to have an open fire in front of the Chamber Building on December 3, 2016, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

D. CONSIDERATION OF MONETARY CONTRIBUTION TO THE FIRE DEPARTMENT FOR THEIR ANNUAL CHRISTMAS PARTY

Commissioner Trobeck moved to authorize the contribution to the Fire Department for their Annual Christmas Party, not to exceed \$400.00, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

E. CONSIDERATION OF A REQUEST FROM OTSEGO MAIN STREET TO CLOSE M-89 FROM 8:00 P.M. UNTIL 8:30 P.M. FOR THE LIGHTING OF THE CHRISTMAS TREE AND OTHER EVENTS AT VARIOUS TIMES THROUGHOUT THE DAY ON DECEMBER 3, 2016

Commissioner Wieber moved to grant the request from Otsego Main Street to close M-89 from 8:00 p.m. until 8:30 p.m. for the lighting of the Christmas Tree and other various events at various times throughout the day, with the stipulation that Main Street Manager Owens confirm the exact time of the highway closure, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

VI. AGREEMENTS

A. CONSIDERATION OF AN AGREEMENT WITH OTSEGO STORAGE LLC PROVIDING A DRAINAGE EASEMENT AT 333 W. RIVER

Commissioner Misner moved to authorize the Mayor and City Clerk to execute the easement agreement with Otsego Storage LLC providing drainage at 333 West River Street, seconded by Commissioner Trobeck. CARRIED UNANIMOUSLY

B. CONSIDERATION OF AN AGREEMENT WITH JONES AND HENRY FOR ENGINEERING SERVICES

Commissioner Misner moved to authorize the Mayor and City Clerk to enter into an agreement with Jones and Henry for engineering services, as presented, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

C. CONSIDERATION OF LICENSE AGREEMENT WITH THE OTSEGO-PLAINWELL CHAMBER OF COMMERCE FOR THE USE OF VARIOUS CITY STREETS, SIDEWALKS & CERTAIN OTHER PROPERTIES FOR THE HOMETOWN CHRISTMAS PARADE AND ACTIVITIES ON DECEMBER 3, 2016

Commissioner Misner moved to authorize the Mayor and City Clerk to enter into an agreement with the Otsego-Plainwell Chamber of Commerce for use of various city streets, sidewalks and certain properties for the Hometown Christmas Parade and activities on December 3, 2016, seconded by Commissioner Wieber. CARRIED UNANIMOUSLY

D. CONSIDERATION OF LICENSE AGREEMENT WITH OTSEGO MAIN STREET FOR THE USE OF VARIOUS CITY STREETS, SIDEWALKS & CERTAIN OTHER PROPERTIES FOR THE HOMETOWN CHRISTMAS PARADE AND ACTIVITIES ON DECEMBER 3, 2016

A lengthy discussion took place regarding the specific times the Main Street events were scheduled to take place. Main Street Manager Owens will confirm the events and times of all events before the execution of the License Agreement. Commissioner Trobeck moved to authorize the Mayor and City Clerk to enter into a License Agreement with Otsego Main Street for the use of various city streets, sidewalks, and certain properties for the Hometown Christmas Parade and activities on December 3, 2016, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

VII. RESOLUTIONS:

A. CONSIDERATION OF RESOLUTION NO. 2016-30 - A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, DECEMBER 3, 2016, AS REQUESTED

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

CITY OF OTSEGO
MICHIGAN
RESOLUTION NO. 2016-30

A RESOLUTION REQUESTING PERMISSION FROM THE
MICHIGAN DEPARTMENT OF TRANSPORTATION
TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, DECEMBER 3, 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, Ryan Wieber, Cyndi Trobeck, Stacey Withee.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

B. CONSIDERATION OF RESOLUTION NO. 2016-31 – A RESOLUTION TO AMEND THE 2016-2017 ANNUAL APPROPRIATIONS BILL

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

CITY OF OTSEGO
MICHIGAN
RESOLUTION NO. 2016-31

RESOLUTION TO AMEND THE 2016-2017 ANNUAL APPROPRIATIONS BILL

WHEREAS, the Otsego City Commission approved the 2016-2017 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 2016-2017 Annual Appropriations Bill:

Major Street Fund Revenues	
<u>202-000-699.211 Transfer in from Street & Bridge Fund</u>	<u>\$ 100,000.00</u>
Net Increase/(Decrease)	\$ 100,000.00
Street & Bridge Fund Expenditures	
<u>211-991-999.202 Transfer to Major Street Fund</u>	<u>\$ 100,000.00</u>
Net Increase/(Decrease)	\$ 100,000.00

YEAS: Commissioners: Tom Gilmer, Kathy Misner, Ryan Wieber, Cyndi Trobeck, 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: MDEC Training; Farmer Street update; Organizational Meeting on Monday, November 14th, at 7:30 p.m.; there is not a MDOT meeting scheduled; and a formal offer for the sale of property should be on the November 21st Meeting .

COMMUNICATIONS

None.

REMARKS FROM THE AUDIENCE

None.

COMMISSIONERS' COMMENTS

Commissioner Misner – she wished everyone good luck tomorrow at the election.

Commissioner Trobeck – she reminded everyone of the Hometown Christmas on December 3rd. She thanked Jones and Henry for attending the meeting. She reminded everyone to vote tomorrow.

Commissioner Withee – she thanked Jones and Henry and the City Staff who attended the meeting. She reminded everyone to vote tomorrow.

Mayor Gilmer – he wished the Commission good luck at the election tomorrow.

The meeting was adjourned on a motion by Commissioner Misner, seconded by Commissioner Withee. CARRIED – 7:52 p.m.

Angela M. Cronen, MMC
City Clerk