

A Regular Meeting of the Otsego City Commission was held Monday, December 19, 2016.

The meeting was called to order by Mayor Trobeck at 7:00 p.m. with the following Commissioners present: Tom Gilmer, Kathy Misner, Nick Breedveld and Ryan Wieber. Absent: None. Also present City Manager Beard; Finance Director Storbeck; Mike Bosch, DPW Supervisor; and Brandon Weber; Fire Chief.

The audience joined the Commission in the Pledge of Allegiance.

The Meeting Minutes of December 5, 2016, were approved as submitted.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

I. PRESENTATIONS:

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

IV. ORDINANCES:

V. REQUESTS:

VI. AGREEMENTS

A. CONSIDERATION OF LETTER OF AGREEMENT WITH THE POLICE OFFICERS COLLECTIVE BARGAINING UNIT

Commissioner Gilmer moved to authorize the Mayor and City Clerk to execute a Letter of Understanding with the Police Officers Collective Bargaining Unit, regarding Health Insurance, seconded by Commissioner Misner. CARRIED UNANIMOUSLY

VII. RESOLUTIONS:

A. CONSIDERATION OF RESOLUTION NO. 2016-38 – A RESOLUTION TO AMEND THE 2016-2017 ANNUAL APPROPRIATIONS BILL

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

CITY OF OTSEGO ALLEGAN COUNTY MICHIGAN

RESOLUTION NO. 2016-38

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 2016-2017 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:

General Fund Revenues

101-000-573.000 Local Comm Stabilization Share Appropriations	\$
694,920.00	
<u>101-000-620.000 Zoning & Land Mgmt Fees</u>	<u>\$ 3,000.00</u>
Net Increase/(Decrease)	\$697,920.00

General Fund Expenditures

101-721-727.000 Planning Comm – Office Supplies	\$ 100.00
101-721-728.000 Planning Comm – Postage	\$ 100.00
101-721-802.000 Planning Comm – Contracts	\$ 2,400.00
101-721-826.000 Planning Comm – Legal	\$ 200.00
<u>101-901-975.441 Cap Imp – Bldg Imp – DPW</u>	<u>\$ 18,000.00</u>
Net Increase/(Decrease)	\$ 21,000.00

Sewer Fund Revenues

<u>590-000-673.002 Sale of Vehicles & Equipment</u>	<u>\$ 6,000.00</u>
Net Increase/(Decrease)	\$ 6,000.00

Sewer Fund Expenditures

<u>590-537-760.000 Sewer Mains – Minor Equip (new acct)</u>	<u>\$ 2,500.00</u>
Net Increase/(Decrease)	\$ 2,500.00

Water Fund Expenditures

591-550-740.000 Water Mains – Operating Supplies	\$ 6,500.00
591-550-760.000 Water Mains – Minor Equipment	(\$ 4,000.00)
<u>591-550-932.000 Water Mains – Water Tower Maint</u>	<u>(\$ 2,500.00)</u>
Net Increase/(Decrease)	\$ 0.00

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

B. CONSIDERATION OF RESOLUTION NO. 2016-39 - A PERFORMANCE RESOLUTION REQUIRED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION

Commissioner Breedveld offered the following Resolution and moved for its adoption, supported by Commissioner Gilmer.

CITY OF OTSEGO
ALLEGAN COUNTY, MICHIGAN

RESOLUTION NO. 2016-39

A PERFORMANCE RESOLUTION REQUIRED BY THE MICHIGAN DEPARTMENT OF TRANSPORTATION

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way," or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way."

RESOLVED WHEREAS, the City of Otsego hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, 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 Highway 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 AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2. Any work performed for the GOVERNMENTAL AGENCY will be solely as for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, 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. Any claims against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof will be the sole responsibility of the GOVERNMENTAL AGENCY.

3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing

permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or Maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT MDOT 2207B (10/11) Page 2 of 2 5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, 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.

5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, 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.

6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY 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 AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

1. Angela M. Cronen, City Clerk
2. Michael Bosch, DPW Supervisor
3. Thad Beard, City Manager
4. C2AE, City's Engineering Firm

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

C. CONSIDERATION OF RESOLUTION NO. 2016-40 - A RESOLUTION
OF APPRECIATION – 2016 ELECTION WORKERS

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

CITY OF OTSEGO
ALLEGAN COUNTY MICHIGAN

RESOLUTION NO. 2016-40

A RESOLUTION OF APPRECIATION – 2016 ELECTION WORKERS

***JAMIE JAMESON, LURA HOLDEN, JACKIE DUTTON, WILMA NUNEMAKER,
PAM LUHUIS, MARYLN LANGEANCE, ASHLEE ROSE, LAURIE ANDRUS,
TOM GILMER, JACKIE HOPE, JUDI ROBERTS, & JACKIE STINEBACK***

WHEREAS, the multiple elections held each year in the City of Otsego would not be possible without the help of our dedicated Election Inspectors who go above and beyond their civic duties by offering their time and hard work to ensure Election Day is fair and unbiased; and

WHEREAS, each election requires a different number of Election Inspectors, with only five inspectors working the smallest election and nearly twelve Election Inspectors working the largest; and

WHEREAS, for every election to ensure that elections are fair, unbiased, and comply with changing election law, many hours are dedicated to training, so that all our Election Inspectors are certified, knowledgeable, efficient, unbiased, and as helpful as allowed by law; and

WHEREAS, in 2016 alone, Otsego's diligent and energetic Election Inspectors worked a total of 315 hours. In the 2016 elections held in March, May, August, and November, our Election Inspectors faithfully assisted the citizens of Otsego in casting 3271 ballots; and

WHEREAS, our Election Inspectors selflessly offer their time, effort, and spirit; and come from diverse generations, and experiences; and

WHEREAS, all of the hard work and hours our Election Inspectors dedicate to make Election Day run as smoothly as possible are greatly appreciated by the City of Otsego and its voters;

NOW, THEREFORE, BE IT RESOLVED that the Otsego City Commission extends our gratitude to our Election Inspectors for their passion and their many hours of dedicated service to the voters of the City of Otsego.

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

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: Co-Gen property sale; John & Helen Street improvements; water main update; Planning Commission Meeting on Tuesday, December 27th; and the next City Commission Meeting will be on Tuesday, January 3rd.

COMMUNICATIONS

None.

REMARKS FROM THE AUDIENCE

None.

COMMISSIONERS' COMMENTS

Commissioner Misner – she congratulated and thanked the Election workers for their 315 hours of service, as it is much appreciated. She also commented that she appreciates the DPW and Police Department very much.

Commissioner Wieber – he thanked the Election workers for their service. He commented that they are always very pleasant, with smiles on their faces, and they ensure that the election is done correctly.

Commissioner Gilmer – he acknowledged and congratulated Manager Beard for being appointed to the Michigan Managers Executive Board. He wished everyone a Merry Christmas and Happy New Year. He thanked the DPW and the staff for all of the work they have been doing.

Commissioner Breedveld – he also thanked the DPW for going a good job. He thanked and expressed his appreciation to the Election workers. He wished everyone safe and happy holidays.

Mayor Trobeck – she commented that there were four elections this year and thanked the wonderful, dedicated Election workers. She offered her appreciation to the City Clerk regarding the elections. She wished everyone a Merry Christmas and a happy and safe New Year.

The meeting was adjourned on a motion by Commissioner Misner, seconded by Commissioner Gilmer. CARRIED – 7:26 p.m.

Angela M. Cronen, MMC
City Clerk