

A Regular Meeting of the Otsego City Commission was held Monday, June 19, 2017.

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

The audience joined the Commission in the Pledge of Allegiance.

The Regular Meeting Minutes of June 5, 2017, were approved as submitted.

REMARKS FROM THE AUDIENCE REGARDING AGENDA ITEMS

None.

I. PRESENTATIONS:

II. PUBLIC HEARING:

III. PLANNING AND ZONING:

IV. ORDINANCES:

V. REQUESTS:

- A. CONSIDERATION OF A REQUEST FROM THE GUS MACKER ORGANIZATIONAL COMMITTEE AND THE OTSEGO DDA/MAIN STREET TO CLOSE VARIOUS STREETS AND THE USE OF PUBLIC PARKING LOTS FROM AUGUST 24, 2017 TO AUGUST 27, 2017, AS PRESENTED

Commissioner Gilmer moved to grant the request from the Gus Macker Organizational Committee and the Otsego DDA/Main Street to close various streets and the use of public parking lots from August 24, 2017 to August 27, 2017, as presented, seconded by Commissioner Wieber. CARRIED UNANIMOUSLY

- B. CONSIDERATION OF A REQUEST FROM THE STEINS AND VINES COMMITTEE TO PLACE A SANDWICH BOARD SIGN IN DOWNTOWN ON THE MAIN FOUR CORNERS, AND A BANNER AT BROOKSIDE PARK FROM JULY 5TH TO AUGUST 5TH

Commissioner Breedveld moved to grant the request from the Steins and Vines Committee to place a sandwich board sign in downtown on the four corners and a banner at Brookside Park from July 5th to August 5th, seconded by Commissioner Wieber. CARRIED UNANIMOUSLY

- C. CONSIDERATION OF A REQUEST FROM GARY ZANTELO TO HOLD THEIR 5TH ANNUAL BLOCK PARTY IN THE 300 BLOCK OF EAST ORLEANS STREET FROM NOON UNTIL 5:00 P.M., ON JULY 16TH

Commissioner Gilmer moved to grant the request from Gary Zantello to hold their 5th Annual Block Party in the 300 Block of East Orleans from 12 Noon until 5:00 p.m., on July 16, 2017, seconded by Commissioner Breedveld. CARRIED UNANIMOUSLY

D. CONSIDERATION OF A REQUEST FROM MARKETPLACE AT MEZZO TO USE THE SIDEWALK IN FRONT OF MARKET PLACE AT MEZZO FOR WOOD TURNING DEMONSTRATIONS ON JULY 22, 2017, FROM 8AM UNTIL 4PM

Commissioner Wieber moved to grant the request from Marketplace at Mezzo to use the sidewalk in front of Marketplace at Mezzo for a Wood Turning Demonstration on July 22, 2017, from 8am until 4pm, seconded by Commissioner Gilmer. CARRIED UNANIMOUSLY

VI. AGREEMENTS

A. CONSIDERATION OF AN LEASE AGREEMENT WITH MARKETPLACE AT MEZZO FOR USE OF THE SIDEWALK ON WEST ALLEGAN STREET

Commissioner Wieber moved to authorize the Mayor and City Clerk to enter into a lease agreement with Marketplace at Mezzo for use of a section of the sidewalk on West Allegan Street, as requested, seconded by Commissioner Breedveld. CARRIED UNANIMOUSLY

VII. RESOLUTIONS:

A. CONSIDERATION OF RESOLUTION NO. 2017-22 – A RESOLUTION APPROVING THE CAPITAL IMPROVEMENT PROJECT AND APPROVING INSERTION OF NOTICE OF INTENTION OF THE CITY OF OTSEGO TO ISSUE CAPITAL IMPROVEMENT BONDS

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

CITY OF OTSEGO
MICHIGAN
RESOLUTION NO. 2017-22

**RESOLUTION APPROVING THE CAPITAL IMPROVEMENT PROJECT
AND APPROVING INSERTION OF NOTICE OF INTENTION OF THE
CITY OF OTSEGO
TO ISSUE CAPITAL IMPROVEMENT BONDS**

WHEREAS, there have been prepared and presented to the City Commission (the "Commission") of the City of Otsego, Michigan (the "City"), a description of improvements to the City of Otsego (the "Capital Improvement Project"), all as more fully described in EXHIBIT A, pursuant to the terms of Section 517 of Act No. 34, Public Acts of Michigan, 2001 as amended ("Act 34"); and

WHEREAS, it has been estimated that the period of usefulness of the Capital Improvement Project is not less than 20 years and that the total cost of the Capital Improvement Project and the bonds to pay for the Capital Improvement Project will not exceed \$1,500,000 to be provided by the proceeds from the sale of bonds to be issued by the City pursuant to Act 34; and

WHEREAS, the City proposes to undertake the Capital Improvement Project and to incur taxable or tax-exempt debt (the "Reimbursement Obligations") to finance all or a portion of the costs of the Capital Improvement Project; and

WHEREAS, the City may make certain expenditures for said Capital Improvement Project prior to issuance of the Reimbursement Obligations and may wish to use the proceeds of the Reimbursement Obligations to reimburse all or a portion of said expenditures; and

WHEREAS, it is in the public interest and for the public benefit that the City designate an authorized officer for the purposes of declaring official intent of the City with respect to expenditures; and

WHEREAS, there has been prepared and attached hereto as APPENDIX I a form of notice entitled "NOTICE OF INTENTION OF THE CITY OF OTSEGO TO ISSUE CAPITAL IMPROVEMENT BONDS AND NOTICE OF RIGHT TO PETITION FOR REFERENDUM THEREON" (the "Notice of Intention").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OTSEGO, MICHIGAN, AS FOLLOWS:

1. **Approval of Plans:** The preliminary plans and estimates relating to the Capital Improvement Project and identified in EXHIBIT A hereto are hereby approved and ordered filed with the City Clerk.

2. **Insertion of Notice of Intent:** It is hereby determined that the Notice of Intention provides information sufficient to adequately inform the electors and taxpayers of the City of the nature of the obligations to be undertaken by the City by the issuance of the bonds and of their right under Act 34 to file a petition requesting a referendum election on the issuance of the bonds.

3. **Form of Notice of Intent:** The form and content of the Notice of Intention as set forth in Appendix I, are hereby approved, and the City Clerk is hereby authorized and directed to cause the Notice of Intention to be published once in *The Union Enterprise*, a newspaper of general circulation within the City which is hereby determined to be the newspaper reaching the largest number of electors and taxpayers of the City. The notice shall be inserted in an advertisement at least one-quarter of a page in size.

4. **Referendum Period:** The referendum period within which voters and taxpayers shall have the right to circulate petitions is 45 days after publication of the notice of intention authorized in paragraph 2.

5. **Official Intent:** The Finance Director of the City is hereby authorized to declare official intent of the City with respect to reimbursement.

6. **Individual Declarations of Intent:** Each declaration of official intent shall be substantially in the form set forth in APPENDIX II attached hereto and by this reference incorporated herein, and said form may be modified from time to time on the advice of bond counsel to the City and as necessary to conform to requirements of the reimbursement regulations as the same may be adopted by the Internal Revenue Service or amended from time to time, or with the requirements of applicable rulings or regulations relating to tax-exempt borrowings.

7. **Filing Official Intent:** The Finance Director of the City is hereby directed to file each declaration of official intent in the office of the Clerk of the City of Otsego, which location constitutes the customary location of the records of the City which are available to the general public.

8. **Declarations of Intent Available:** The City Clerk is further directed to assure that each declaration of intent is continuously available during normal business hours of the City on every business day of the period beginning the earlier of 10 days after the date of execution of said declaration of intent and ending on the date of issuance of the Reimbursement Bonds.

9. **Retention of Bond Counsel.** The firm of Clark Hill PLC, attorneys of Detroit, Michigan, is hereby retained to act as bond counsel for the City in connection with the issuance, sale and delivery of the Bonds.

10. **Conflicting Resolutions.** All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

11. **Effective Date.** This Resolution shall become effective immediately upon its adoption and shall be recorded in the minutes of the City as soon as practicable after adoption.

A roll call vote on the foregoing resolution was then taken, and was as follows:

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None,

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

B. CONSIDERATION OF RESOLUTION NO. 2017-23 – A RESOLUTION TO AMEND THE 2016-2017 ANNUAL APPROPRIATIONS BILL

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

CITY OF OTSEGO
MICHIGAN
RESOLUTION NO. 2017-23

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 and/or revenue sources 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

101-000-477.000 Building Permits	\$ 15,000.00
101-000-478.000 Electrical Permits	\$ 1,000.00
<u>101-000-479.000 Mechanical Permits</u>	<u>\$ 2,500.00</u>
Net Increase/(Decrease)	\$ 18,500.00

General Fund Expenditures

101-257-802.000 Assessing Contracts	\$ 1,500.00
101-265-706.000 City Hall DPW	\$ 1,700.00
101-265-802.000 City Hall Contracts	\$ 2,000.00
101-265-931.000 City Hall Building Maintenance	\$ 1,000.00
101-265-933.000 City Hall Equipment Maintenance	\$ 1,000.00
101-265-940.000 City Hall Motor Equipment Rental	\$ 1,200.00
101-371-802.000 Building Insp – Contracts Building Inspector	\$ 15,000.00
101-371-803.000 Building Insp – Contracts Electrical Inspector	\$ 1,000.00
101-371-804.000 Building Insp – Contracts Mechanical Inspector	\$ 2,500.00
<u>101-728-760.000 Economic Development Minor Equipment</u>	<u>(\$ 1,500.00)</u>
Net Increase/(Decrease)	\$ 25,400.00

Major Street Fund Revenues

<u>202-000-699.211 Transfers In – Street & Bridge</u>	<u>\$100,000.00</u>
Net Increase/(Decrease)	\$100,000.00

Major Street Fund Expenditures

202-467-706.000 ROW Maint – DPW Wages	\$ 7,300.00
202-467-716.000 ROW Maint – Hospitalization	\$ 2,700.00
202-467-740.000 ROW Maint – Operating Supplies	\$ 4,000.00
202-467-802.000 ROW Maint – Contracts	\$ 1,650.00
202-467-940.000 ROW Maint – Equipment Rental	\$ 6,000.00
202-468-706.000 Trees & Shrubs – DPW Wages	\$ 6,500.00
202-468-716.000 Trees & Shrubs – Hospitalization	\$ 1,000.00
202-468-718.000 Trees & Shrubs – Retirement	\$ 1,000.00
202-468-940.000 Trees & Shrubs – Motor Equipment Rental	\$ 12,000.00
202-475-706.000 Traffic Signs & Signals – DPW Wages	\$ 500.00
202-475-802.000 Traffic Signs & Signals – Contracts	\$ 500.00
202-475-940.000 Traffic Signs & Signals – Motor Equipment Rental	\$ 500.00
202-483-716.000 Administration – Hospitalization	\$ 700.00
202-483-801.000 Administration – Banking Charges	\$ 800.00
202-483-853.000 Administration – Telephone	\$ 250.00
202-491.706.000 M-89 Drainage – DPW Wages	\$ 3,000.00
202-491-716.000 M-89 Drainage – Hospitalization	\$ 1,500.00
202-491.740.000 M-89 Drainage – Supplies	\$ 2,500.00
202-491-802.000 M-89 Drainage – Contracts	\$ 2,500.00
202-491-940.000 M-89 Drainage – Motor Equipment Rental	\$ 2,000.00
202-494-740.000 M-89 Traffic Signs & Signals – Supplies	\$ 500.00

<u>202-901-970.000 Capital Improvements – Capital Outlay</u>	<u>\$375,750.00</u>
Net Increase/(Decrease)	\$433,150.00
Street & Bridge Fund Expenditures	
<u>211-991-999.202 Transfers Out – Transfer to Major Street Fund</u>	<u>\$100,000.00</u>
Net Increase/(Decrease)	\$100,000.00
Capital Projects Fund Revenues	
<u>401-000-673.000 Gross Sale of Lots</u>	<u>\$ 15,000.00</u>
Net Increase/(Decrease)	\$ 15,000.00
Capital Projects Fund Expenditures	
<u>401-901-967.000 Adjustment for Cost of Developed Lots Sold</u>	<u>\$ 30,000.00</u>
Net Increase/(Decrease)	\$ 30,000.00
Water Fund Revenues	
<u>591-000-636.000 Metered Water Sales</u>	<u>\$ 45,000.00</u>
Net Increase/(Decrease)	\$ 45,000.00
Water Fund Expenditures	
591-550-706.001 Water Mains – Part-Time or Seasonal Wages	\$ 5,000.00
591-550-940.000 Water Mains – Motor Equipment Rental	\$ 5,000.00
<u>591-901-972.000 Capital Improvements – Capital Outlay Water System</u>	<u>\$142,000.00</u>
Net Increase/(Decrease)	\$152,000.00

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

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None,

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

- A. CONSIDERATION OF THE MAYOR’S APPOINTMENT OF TOBY ESTERLINE TO THE DDA BOARD – TERM EXPIRING JULY 1, 2021; AND REAPPOINTMENT OF BEN POBOCIK TO THE DDA BOARD– TERM EXPIRING JULY 1, 2021

Commissioner Gilmer moved to confirm the Mayor’s appointment of Toby Esterline to the DDA Board term to expire July 1, 2021; and the reappointment of Ben Pobocik to the DDA Board, term to expire July 1, 2021, seconded by Commissioner Wieber.

- B. CONSIDERATION OF AN APPOINTMENT TO FILL THE UNEXPIRED TERM OF COMMISSIONER MISNER, TERM ENDING NOVEMBER 2018

At this time, the three candidates that asked to be considered for the open Commission Seat, Robert Schurman, Jim Misner, and Stacey Withee were introduced and given the opportunity to address the Commission. Commissioner Wieber moved to appointment Stacey Withee to fill

the unexpired term of Commissioner Misner, term ending November 2018, seconded by Commissioner Gilmer. Commissioner Wieber – Yes; Commissioner Gilmer – Yes; Commissioner Breedveld – No; Mayor Trobeck – Yes. CARRIED.

Commissioner Wieber commented that they were all great candidates. He thanked all of the applicants for applying for the open seat. Commissioner Breedveld thanked all of the applicants and commented that each of them could fill the position and he would have liked to see new blood on the Commission. Commissioner Gilmer stated that they were all qualified candidates. He commented that Stacey Withee has worked hard for the past six years and has attended each Commission meeting, volunteered hundreds of hours for Main Street, and she fully understands the budget. He stated that when there was a previous vacancy on the Commission, she was the obvious choice, and he is in support of Stacey Withee.

IX. DISCUSSION ITEMS:

A. SWEARING IN OF NEW CITY COMMISSIONER

At this time, Clerk Cronen administered that Oath of Office to Stacey Withee.

MANAGER'S REPORT

1. Manager Beard gave an update on the following: AAESA STEP Program; Rock-Tenn property; and the Farmer Street Project.
2. Manager Beard asked the Commission if they had any questions regarding his Manager's Report.

COMMUNICATIONS

None.

REMARKS FROM THE AUDIENCE

Hunter Krueger, 549 E Hammond St - he read a prepared statement addressing the Commission and his desire to remain on the Fire Department. He stated the he was a fifth generation firefighter who has went through the Cadet Program, and a Certified Firefighter I & II. He explained his desire to remain on the Fire Department, since he was asked to resign, due to not being within a four minute response time. He addressed the time frame that it takes to respond to the Fire Department from his new residence that he recently purchased and that he did not sign an application that stated that a firefighter must be within four minutes of the station. He stated that he is currently making calls from his new home and he requested that he could be put on probation for six months to ensure he can make the calls within a reasonable time frame.

Ty Wolthuis, 1339 108th Ave – he read a prepared statement addressing Hunter's character. He stated that he is a professional with a great passion, who he is proud to call his brother. He gave an example of Hunter's recent response to a mutual aid call, on the same night he was asked to resign. He commented that there are low numbers on the Fire Department as this time and he should not be required to resign for the good of the community we respond to.

Paul Ullery, 22104 2nd Ave. - he gave a history of his relationship with the Krueger family and their years of experience at the Fire Department. He stated that "these people are the heart of

this community, and they protect and serve.” He commented that he did not understand putting a time frame on the response time to the station. He stated that the Fire Department is understaffed and calls are increasing. He reviewed the history when the siren was used to notify the firefighters, and it was a requirement to live within the City, but now pagers are used and firefighters often respond from further away. He stated the Hunter has the heart, skills and wants to serve and he should be able to serve.

Joel Krueger, 549 E Hammond – he stated that he is Hunter's father and a fifteen year veteran of the Fire Department and served with pride and honor. He commented that while serving you have to make sacrifices, such as leaving your family. He stated that the Fire Department has been trying to hire and few make the commitment, and Hunter is one of those that made the commitment and will continue to serve. He commented that he didn't understand the four minute rule and stated that other firemen live further away. He stated losing a man like Hunter on the Department will be a great loss to the City.

Bud Smith, 424 S Wilmott – he commented that he grew up here and concurred with Joel Krueger's statements regarding his son. He stated that Hunter is something special. He gave examples of his experiences with Hunter. He commented that Hunter has done exceptional, has the heart to stay on the department, he has work ethic and he listens. He stated that it is hard to find a good firefighter. He commented that he would love to see the four minute rule be extended because he is worth it.

Chris Harris, 238 W Morrell – he has known Hunter for many years and knew he would be a fireman. He commented that he watched him go through the Cadet Program and he will do anything asked of him. He stated that he would trust him with his life, he is certified and it would be a detriment to lose him.

COMMISSIONERS' COMMENTS

Mayor Trobeck – he commented that Hunter Krueger that he is incredibly loved, amazing man, huge asset to the Fire Department, however this situation is based upon facts and not emotions. She stated that it is not Hunter personally, the Fire Department has determined that the trucks need to roll at four minutes and the fifty-five seconds can make a difference. She explained that this is not the decision of the City, it is a decision of the Fire Department and the Officers of the Fire Department. She expressed that Hunter is an amazing man at twenty-one year old and she was moved by all of the comments. She thanked the audience for their comments. She read an educational certificate for Clerk Cronen.

Commissioner Breedveld – he thanked all of the applicants for the open Commission seat. He indicated to Commissioner Withee that his vote was not personal. He commented that the Fire Department does an awesome job. He stated that the four minute response time is something that needs to be looked into, as a Commission, but we need time to evaluate it.

Commissioner Gilmer – he stated that the dialogue is about a regulation of the Fire Department and not Hunter as a person. He commented that the Fire Department is managed by the Chief and City Manager. He asked that Hunter not take this personally, as he is highly regarded in the City and surrounding communities. He explained that the support is great, but regulations are set, not to say they can't be revisited. He stated that the regulations were known as they are stated on the firefighter applications, and Hunter signed it.

Manager Beard – he asked to address the Commission. He explained the following: the four-minute rule is stated on the application; the City Manager does not make the rules of the Fire Department - the policy was established by the Officers of the Department in 2013; he takes pride in the Fire Department; he puts his faith and trust in the Fire Department Officers and Chief; it is not the rule of the Fire Chief (he is not a dictator); it is obvious that Hunter is liked by everyone; and it is his job as City Manager to ensure every Department Head follows the rules and procedures. He stated that concerns, facts, and opinions were brought up tonight. He stated that the response time is for public safety, it is not a personal agenda. The Fire Chief and Officers have not taken this unanimous decision lightly. The suggestions should be taken back to the Officers of the Fire Department. If rules are not followed it kills the department. This is not to say that the system cannot be revisited. The Officers can look into why the four-minute rule was put into place and work from it, but the final determination will come from the Officers.

Commissioner Wieber – he stated that he can tell Hunter has a heartfelt passion for the Fire Department. He was glad to hear both sides of the conversation. He stated that it is important to go through the Fire Department. He thanked the audience for bringing a concern to the Commission in a respectful way. He thanked the audience for attending and welcomed Commissioner Withee.

Commissioner Withee – she stated that she listened to each person speak tonight. She said she supports and values the Fire Department as they need to have the best qualified people respond.

Mayor Trobeck concluded that there is an overwhelming love for Hunter and at the age of twenty-one, he got the conversation started. She congratulated Hunter and his fiancé.

The meeting was adjourned on a motion by Commissioner Breedveld, seconded by Commissioner Gilmer. CARRIED – 8:11 p.m.

Angela M. Cronen, MMC
City Clerk