

A Regular Meeting of the Otsego City Commission was held Monday, November 6, 2017. The meeting was called to order by Mayor Trobeck at 7:00 p.m. with the following Commissioners present: Nick Breedveld, Tom Gilmer, Stacey Withee, and Jim Misner. Absent: None. Also present: Fire Chief Weber; Interim City Manager/Finance Director Storbeck and Interim City Manager/Police Chief Konkle.

The audience joined the Commission in the Pledge of Allegiance.

The Regular and Special Meeting Minutes of October 16, 2017, were approved as submitted.

#### I. PRESENTATIONS:

##### A. PRESENTATION BY SIEGFRIED & CRANDALL OF THE 2016-2017 FISCAL YEAR AUDIT

Mr. Dan Veldhuizen from Siegfried & Crandall was in attendance to review the 2016-2017 Fiscal Year Audit. He complimented Finance Director Storbeck and his staff for again successfully preparing the financial statements. Mr. Veldhuizen stated that the City had received an unmodified opinion, with no adjustments. He summarized and reviewed the highlights of the audit with the Commission. He once again commented that the City of Otsego was one of only a few municipalities that they audit that has accomplished this. He also indicated that the City has forty percent fund balance which is a good percentage, as the typical is fifteen to seventeen percent. In conclusion, he remarked that the City is financially very healthy. The Commission thanked Mr. Veldhuizen.

#### II. PUBLIC HEARING:

#### III. PLANNING AND ZONING:

#### IV. ORDINANCES:

#### V. REQUESTS:

A. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO HOLD A HOLIDAY PARADE AT 7PM, CLOSING THE HIGHWAY FROM 5:00 P.M. UNTIL 8:30 P.M., ON DECEMBER 2, 2017, AS PRESENTED  
Commissioner Withee moved to grant the request from the Otsego/Plainwell Chamber of Commerce to hold a Holiday Parade at 7:00 p.m., closing M-89 from 5:00 p.m. until 8:30 p.m., on December 2, 2017, as presented, seconded by Commissioner Gilmer. CARRIED UNANIMOUSLY.

B. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER FOR AN OPEN FIRE IN FRONT OF THE CHAMBER BUILDING ON DECEMBER 2, 2017  
Commissioner Gilmer 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 2, 2017, seconded by Commissioner Breedveld. CARRIED UNANIMOUSLY.

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

Mayor Trobeck commented that the funds were increased from \$300 to \$400, last year.

Commissioner Withee moved to authorize a monetary contribution to the Fire Department for their Annual Christmas Party, in an amount not to exceed \$400.00, seconded by Commissioner Misner. CARRIED UNANIMOUSLY.

D. CONSIDERATION OF A REQUEST FROM OTSEGO MAIN STREET TO CLOSE M-89 FROM 5:00 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 2, 2017

Commissioner Misner moved to grant the request from the Otsego Main Street to close M-89 from 5:00 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 2, 2017, seconded by Commissioner Gilmer. CARRIED UNANIMOUSLY.

E. CONSIDERATION OF A REQUEST FROM THE MAIN STREET HOMETOWN CHRISTMAS COMMITTEE TO PLACE A SANDWICH BOARD SIGN ON THE SOUTHEAST CORNER OF ALLEGAN STREET AND FARMER STREET FROM 7:00 AM TO 11:00 AM ON DECEMBER 2ND ADVERTISING BREAKFAST WITH SANTA AT THE ELK'S LODGE

Commissioner Withee moved to grant a request from the Main Street Hometown Christmas Committee to place a sandwich board sign on the Southeast corner of Allegan Street and Farmer Street from 7:00 a.m. to 11:00 a.m., on December 2, 2017, advertising Breakfast with Santa at the Elks Lodge, seconded by Commission Misner. CARRIED UNANIMOUSLY. CARRIED UNANIMOUSLY.

VI. AGREEMENTS:

A. 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 2, 2017

Commissioner Withee moved to authorize the Mayor and City Clerk to enter into an 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 2, 2017, seconded by Commissioner Gilmer. CARRIED UNANIMOUSLY

B. 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 2, 2017

Commissioner Misner moved to authorize the Mayor and City Clerk to enter into an agreement with Otsego Main Street for the use of various City Streets, Sidewalks, and certain other

properties for the Hometown Christmas Parade and activities on December 2, 2017, seconded by Commissioner Breedveld. CARRIED UNANIMOUSLY

**C. CONSIDERATION OF A TERMINATION AND RELEASE AGREEMENT WITH TERRI TATE – ELEY ACRES LOT #171**

City Clerk/Interim City Manager Cronen explained that Ms. Tate had requested in a letter to the Commission to terminate and be released from her current agreement with the City, regarding Lot #171, in Eley Acres. The agreement was prepared by the City's attorney. Commissioner Breedveld commented that the City did not have to give their permission for this agreement. Commissioner Gilmer moved to authorize the Mayor and City Clerk to enter into a termination agreement with Terri Tate for Lot #171 of Eley Acres, as presented, seconded by Commissioner Withee. CARRIED UNANIMOUSLY

**D. CONSIDERATION OF A CONSTRUCTION AND DEVELOPMENT AGREEMENT WITH BEARD CONSTRUCTION - ELEY ACRES LOT #171**

City Clerk/Interim City Manager Cronen explained that due to Ms. Tate terminating her initial agreement, her contractor asked to take over her obligations and complete the construction of the home, since it is almost complete. The agreement was prepared by the City's attorney. Commissioner Breedveld commented that the City did not have to give their permission for this agreement. Commissioner Withee moved to authorize the Mayor and City Clerk to enter into a construction and development agreement with Beard Construction for Lot #171 of Eley Acres, seconded by Commissioner Misner. CARRIED UNANIMOUSLY

**E. CONSIDERATION OF CHANGE ORDER #1 – BRENNER EXCAVATING INC. FOR PHASE TWO OF THE FARMER STREET PROJECT**

Finance Director Storbeck/Interim City Manager explained the overages that were included in Change Order #1. A discussion took place regarding the timeliness of the completion of the project and the items that were completed by City Staff. Commissioner Misner moved to authorize Finance Director/Interim City Manager Storbeck to approve Change Order #1, with Brenner Construction Inc. for Phase Two of the Farmer Street Project, seconded by Commissioner Withee. CARRIED – No- Commissioner Breedveld.

**VII. RESOLUTIONS:**

**A. CONSIDERATION OF RESOLUTION NO. 2017-33 - A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, DECEMBER 2, 2017, AS REQUESTED**  
Commissioner Misner offered the following resolution and moved for its adoption, seconded by Commissioner Gilmer.

**CITY OF OTSEGO  
MICHIGAN  
RESOLUTION NO. 2017-33**

**A RESOLUTION REQUESTING PERMISSION FROM THE  
MICHIGAN DEPARTMENT OF TRANSPORTATION**

TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, DECEMBER 2, 2017

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: Cyndi Trobeck, Tom Gilmer, Stacey Withee, Nick Breedveld, and Jim Misner.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

**B. CONSIDERATION OF RESOLUTION NO. 2017-34 – A RESOLUTION DESIGNATING A STREET ADMINISTRATOR FOR THE CITY OF OTSEGO**

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

CITY OF OTSEGO  
MICHIGAN  
RESOLUTION NO. 2017-34  
A RESOLUTION DESIGNATING A STREET ADMINISTRATOR  
FOR THE CITY OF OTSEGO

WHEREAS, Section 13(9) of Act 51, Public Acts of 1951 provided that each incorporated city and village to which funds are returned under the provisions of this section, that, "the responsibility for street improvements, maintenance, and traffic operations work, and the development, construction, or repair of off-street parking facilities and construction or repair of street lighting shall be coordinated by a single administrator to be designated by the governing body who shall be responsible for and shall represent the municipality in transactions with the State Transportation Department pursuant to this act."

THEREFORE, be it resolved, that the City Commission designate Gordon Konkle, Interim City Manager, as the single Street Administrator for the City of Otsego in all transactions with the State Transportation Department

YEAS: Commissioners: Cyndi Trobeck, Tom Gilmer, Stacey Withee, Nick Breedveld, and Jim Misner.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

VIII. APPOINTMENTS:

## IX. DISCUSSION ITEMS

### MANAGER'S REPORT

The Interim Managers answered questions of the Commission at this time.

### COMMUNICATIONS

None.

### REMARKS FROM THE AUDIENCE

Robert Alway, 1012 Barton – he commended Matthew Storbeck for the numerous times the City audit has had little or no corrections, and how the City is very transparent. He thanked Matthew Storbeck for his great job on the audit again this year.

### COMMISSIONERS' COMMENTS

Commissioner Gilmer – he thanked Finance Director Storbeck. He also thanked him for explaining year after year where we are financially which makes the good and bad times easier.

Commissioner Withee – she gave kudos to Finance Director Storbeck. She commented that she appreciates the City's clean bill of health and without any adjustments.

Commissioner Misner – he concurred with Commissioner Gilmer and Withee. He thanked Matt for the fantastic job he does. He thanked Clerk Cronen for all she does.

Mayor Trobeck – she commented that she didn't know what an abnormal audit would be, because since she has been on the Commission, we have had clean audits. She commented that the City is truly blessed and thanked Finance Director Storbeck.

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

Angela M. Cronen, MMC  
City Clerk