

A Regular Meeting of the Otsego City Commission was held on Tuesday, September 3, 2024.

The meeting was called to order by Mayor Withee at 7:00 p.m. with the following Commissioners present: Chuck Moore, Jason Smith, and Wayne Rayburn. Absent: Lauri Krueger. Also present: City Manager, Aaron Mitchell.

The audience joined the Commission in the Pledge of Allegiance.

Commissioner Moore moved to excuse Commissioner Krueger, seconded by Commissioner Smith. CARRIED.

On a motion by Commissioner Smith, seconded by Commissioner Moore, the August 19, 2024, Regular Minutes were approved as submitted. CARRIED

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

None.

#### **I. PRESENTATIONS:**

##### **A. ALLEGAN COUNTY COMMISSIONER GALE DUGAN**

County Commissioner Dugan gave a report on the County Board's recent activities. He answered questions of the Commission and audience.

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

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

##### **A. CONSIDERATION OF RECOMMENDATION FROM THE PLANNING COMMISSION TO APPROVE PROPOSED AMENDMENT TO THE OTSEGO ZONING ORDINANCE RELATING TO SECTION 13.A OF THE CITY OF OTSEGO ZONING ORDINANCE TO ADD SECTION 13.A.4.5 REDEVELOPMENT PLANNED UNIT DEVELOPMENT ("RPUD").**

City Manager Mitchell reviewed the amendments to the City's Zoning Ordinance for Redevelopment Planned Unit Development. He explained that this new language is related to the redevelopment of the Rock-Tenn property. He stated that all site plans will still be required to be presented and approved by the Planning Commission and ultimately the City Commission. Commissioner Smith moved to approve the recommendation from the Planning Commission to approve the proposed amendments to the Otsego Zoning Ordinance relating to Section 13.A.4.5 Redevelopment Planned Unit Development (RPUD), as presented, seconded by Commissioner Rayburn. CARRIED UNANIMOUSLY

##### **B. CONSIDERATION OF RECOMMENDATION FROM THE PLANNING COMMISSION TO APPROVE THE REQUEST SUBMITTED BY FIRST BAPTIST CHURCH, TO HAVE THE FOLLOWING DESCRIBED PROPERTY: 226 COURT; 230 COURT; 234 COURT; 246 COURT; 250 COURT; 117 N. WILMOTT; RE-ZONED FROM RB - SINGLE & TWO FAMILY RESIDENTIAL TO PO - PROFESSIONAL OFFICE**

City Manager Mitchell stated that the First Baptist Church requested to add an accessory building to their property and with the current residential zoning, it was not possible. He commented that the request is to rezone all of the First Baptist Church properties to PO-Professional Office and possibly in the future combine the properties. Commissioner Smith moved to approve the recommendation from the Planning Commission to approve the request submitted by the First Baptist Church, to have the following described property: 226 Court; 230 Court; 234 Court; 246 Court; 250 Court; and 117 N. Wilmott rezoned from RB-Single & Two Family Residential to PO – Professional Office, seconded by Commissioner Moore. CARRIED UNANIMOUSLY

**IV. ORDINANCES:**

**V. REQUESTS:**

**A. CONSIDERATION OF A REQUEST FROM OTSEGO PUBLIC SCHOOLS FOR USE OF WASHINGTON STREET AND MISCELLANEOUS CITY EQUIPMENT FOR THEIR EVENTS ON SEPTEMBER 28, 2024**

Commissioner Moore moved to approve the request from Otsego Public Schools for use of Washington Street and miscellaneous City equipment for their events on September 28, 2024, seconded by Commissioner Rayburn. CARRIED UNANIMOUSLY

**B. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO CLOSE M-89/ALLEGAN STREET FOR THEIR CREATIVE ARTS FESTIVAL CAR SHOW, ON SATURDAY, SEPTEMBER 28, 2024, AS PRESENTED**

Commissioner Moore moved to grant the request from the Otsego/Plainwell Chamber of Commerce to Close M-89/Allegan Street for their Creative Arts Festival Car Show, on Saturday, September 28, 2024, as presented, seconded by Commissioner Rayburn. CARRIED UNANIMOUSLY

**C. CONSIDERATION OF A REQUEST FROM THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE TO USE CERTAIN CITY PROPERTY, ON SATURDAY, SEPTEMBER 28, 2024, AS REQUESTED**

Commissioner Smith moved to grant the request from the Otsego/Plainwell Chamber of Commerce to use certain City property, on Saturday, September 28, 2024, as requested, seconded by Commissioner Rayburn. CARRIED UNANIMOUSLY

**D. CONSIDERATION OF A REQUEST FROM CITY MANAGER MITCHELL FOR PERSONNEL MANUAL CHANGES – FIRE DEPARTMENT FULL TIME EMPLOYEES**

City Manager Mitchell explained that proposed changes were for Fire Department Full Time Employees - Sick Time, Holiday Pay, Vacation, Personal Days; and Personal Days for Salaried employees. Commissioner Rayburn moved to grant the request from City Manager Mitchell for Personnel Manual changes for Fire Department Full Time Employees and Personal Days for Salaried Employees, as presented, seconded by Commissioner Smith. CARRIED UNANIMOUSLY

**VI. AGREEMENTS:**

**A. CONSIDERATION OF A LICENSE AGREEMENT WITH THE OTSEGO - PLAINWELL CHAMBER OF COMMERCE FOR THE CREATIVE ARTS FESTIVAL – SEPTEMBER 28, 2024**

Commissioner Moore moved to authorize the Mayor and City Clerk to enter into an agreement with the Otsego/Plainwell Chamber of Commerce for the Creative Arts Festival – September 28, 2024, seconded by Commissioner Smith. CARRIED UNANIMOUSLY

**B. CONSIDERATION OF A LICENSE AGREEMENT WITH OTSEGO PUBLIC SCHOOLS – FOR A ROAD CLOSURE ON SEPTEMBER 28, 2024**

Commissioner Rayburn moved to authorize the Mayor and City Clerk to enter into an agreement with Otsego Public Schools – for a road closure on September 28, 2024, seconded by Commissioner Smith. CARRIED UNANIMOUSLY

**C. CONSIDERATION OF A PARK PLAN QUOTE FROM WIGHTMAN**

City Manager Mitchell explained the importance of the Park Plan and applying for State Grants. Commissioner Moore moved to authorize the Mayor and City Clerk to enter into an agreement with Wightman to prepare the City’s Park Plan, as presented, seconded by Commissioner Smith. CARRIED UNANIMOUSLY

**VII. RESOLUTIONS:**

**A. CONSIDERATION OF RESOLUTION NO. 2024-15 - A RESOLUTION REQUESTING PERMISSION FROM THE MICHIGAN DEPARTMENT OF TRANSPORTATION TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 28, 2024, AS REQUESTED BY THE OTSEGO/PLAINWELL CHAMBER OF COMMERCE FOR THEIR CREATIVE ARTS FESTIVAL**

Commissioner Rayburn offered the following resolution and moved for its adoption, seconded by Commissioner Moore.

**CITY OF OTSEGO  
ALLEGAN COUNTY, MICHIGAN  
RESOLUTION NO. 2024-15**

**A RESOLUTION REQUESTING PERMISSION FROM THE  
MICHIGAN DEPARTMENT OF TRANSPORTATION  
TO CLOSE STATE HIGHWAY M-89 ON SATURDAY, SEPTEMBER 28, 2024**

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: Stacey Withee, Jason Smith, Chuck Moore, Wayne Rayburn.

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: Lauri Krueger.

RESOLUTION DECLARED ADOPTED

**VIII. APPOINTMENTS:**

**IX. DISCUSSION ITEMS:**

**MANAGER'S REPORT**

The City Manager commented and gave updates on the following:

1. He gave a recap of the Gus Macker Event.

**COMMUNICATIONS**

At this time, Clerk Cronen thanked the City Commission for the educational opportunities that she has attended this past year, in regards to the upcoming election.

**REMARKS FROM THE AUDIENCE**

Robert Alway, 1012 Barton – he gave suggestions regarding the Park Plan.

Clarissa McDonald, Creative Arts Festival – she thanked the Commission for the approval of the requests and gave a brief overview of the Creative Arts Festival events.

**COMMISSIONER'S' COMMENTS**

Commissioner Moore – he commented that it is good to get the Park Plan in place. He wished the Otsego/Plainwell Chamber success on the upcoming Creative Arts Festival and commented that he is looking forward to it.

Commissioner Smith – he thanked County Commissioner Dugan for his report.

Commissioner Rayburn – he thanked City Manager Mitchell and his fellow Commissioners and the audience.

Mayor Withee – she thanked the City Employees and the City for the use of City Hall for the Gus Macker event, commenting that it is a disruption. She thanked everyone who volunteered for the Gus Macker event and expressed her appreciation. She gave a special thank you to Commissioner Smith and his crew, and Commissioner Rayburn and his wife Kim for their hard work during the event.

**ADJOURN**

Commissioner Rayburn moved to adjourn the Regular Meeting, seconded by Commissioner Smith. CARRIED. 8:08 p.m.

Angela M. Cronen, MMC  
City Clerk