



Request for City Council Action

DEPARTMENT INFORMATION

ORIGINATING DEPARTMENT	REQUESTOR:	MEETING DATE:
Planning	City Planner Licht	9 March 2026
PRESENTER(s)	REVIEWED BY:	ITEM #:
Consent	City Administrator/Finance Director Flaherty	3.8 – Construction Maintenance

STRATEGIC VISION

MEETS:	THE CITY OF OTSEGO:
X	Is a strong organization that is committed to leading the community through innovative communication.
	Has proactively expanded infrastructure to responsibly provide core services.
	Is committed to delivery of quality emergency service responsive to community needs and expectations in a cost-effective manner.
	Is a social community with diverse housing, service options, and employment opportunities.
	Is a distinctive, connected community known for its beauty and natural surroundings.

AGENDA ITEM DETAILS

RECOMMENDATION:	
City staff recommends the City Council adopt an ordinance and a resolution addressing construction maintenance.	
ARE YOU SEEKING APPROVAL OF A CONTRACT?	IS A PUBLIC HEARING REQUIRED?
No	No
BACKGROUND/JUSTIFICATION:	
<p>City staff have been prompted to review regulations for construction sites, including residential plats and single family lots. Existing regulations adopted as part of the City Code and Engineering Manual address a range of property maintenance and public nuisance issues.</p> <p>Allowed construction can be understood to be in violation of these regulations or the regulations are written too constrictively to allow common activities. Application and interpretation of the City Code is at the discretion of the City and the City Council appoints City staff to administer its provisions. For development and construction, responsibility for administration of the City Code is assigned to the Zoning Administrator, City Engineer, and Building Official and it is within their roles to interpret these provisions accordingly.</p> <p>City staff has drafted of proposed amendment language to various sections of the City Code. The proposed amendments primarily provide clarification as to the existing of the City Code as has been interpreted by City staff. The review of these sections and proposed amendments, therefore, provides the Planning Commission and City Council the opportunity to consider if the existing practices reflect desired City standards. A draft version of the proposed amendments is attached with text to be deleted stricken and added text <u>double underlined</u>. A resolution modifying the Engineering Manual regarding holidays and allowance for portable toilets has also been prepared.</p> <ul style="list-style-type: none"> ▪ Construction Sites. The primary impetus for review of these regulations is application to construction sites. City staff considers a construction site to be the area within a plat where grading or street and utility construction is occurring and construction of buildings upon individual lots or a group of lots within a plat. Language is proposed to be added to several sections of the City Code to clarify and define a construction site for the purpose of applying the regulations or exceptions thereof. 	

- **Public Nuisances.** Section 5-1-5.G of the City Code outlines situations of outdoor storage constituting a hazard to public health and safety. Included in this list includes various construction materials. The intent of the provision is to address long-term problems. Active construction sites for which these materials are being utilized towards completion of site work ultimately resolving any issue are address by the clause in the existing text of "...awaiting use and stored for a reasonable time...". City staff proposes to add an additional clause stating that the reasonable time is determined at the discretion of the Zoning Administrator.
- **Property Maintenance.** Provisions regarding maintenance of developed and undeveloped properties was expanded upon during the Great Recession to address widespread vacant lots and outlots within residential subdivisions. The provisions provided that vacant lots or outlots less than one acre were allowed to keep vegetation maintained to a height not to exceed 12 inches. Lots or an outlot(s) with a combined area of one acre or more have no limit as to the maximum height of vegetation. All undeveloped properties are required to be maintained to prevent growth of noxious weeds, which are those plants specifically defined by the State as public nuisances. The proposed changes to this section include specifying that an undeveloped lot or outlot does not have a principal use constructed on it and elimination of a maintenance requirement for the area abutting developed lots. The latter change is based on the regular occurrence of developed lots abutting outlots typically owned by the City that encompass wetlands, wetland buffers, or storm basins that are not maintenance except for noxious weeds.
- **Construction Maintenance.** Section 5-1-5.M of the City Code establishes provisions for construction site maintenance. These provisions are proposed to be relocated to Title 9, Chapter 1 of the City Code to be included with other building related provisions.

The construction maintenance provisions are also to be revised to specify that outdoor storage of construction materials being used may be stored outside. Materials would include lumber, siding, roofing, dirt, rocks, sand, gravel etc. The principal requirement for having these materials stored outside is that erosion control as required by Title 6, Chapter 9 of the City Code is provided, which is subject to approval by the City Engineer.

- **Construction Days/Hours.** The City, through the City Code and Engineering Manual, establishes limits on the days and hours for construction activity. The regulations are organized around land development activities, new building construction, and modification or repair of existing buildings. The intent of the regulations is to ensure that construction activity, whether new development or within established neighborhoods, occurs in a manner compatible with surrounding properties. City staff surveyed surrounding cities regarding regulation of construction hours and found Otsego’s to be generally more restrictive and no change is recommended to the allowed construction hours.

	City Code Building Permit		Engineering Manual Land Development
	New Home	Existing Home	
Monday-Friday	7:00AM – 7:00PM	7:00AM – 10:00PM	7:00AM – 7:00PM
Saturday	8:00AM – 5:00PM	7:00AM – 10:00PM	8:00AM – 5:00PM
Sunday	Not Allowed	8:00AM – 10:00PM	Not Allowed
Holidays	No Work Any Federal Holiday	--	--

The City Code currently states that new construction is not allowed on Federal Holidays, which would include any such designated holiday. While City government generally does not have operations on these dates, the private sector may typically work on certain of these dates. The surrounding cities of Albertville, Dayton, Elk River, Monticello, Rogers, and St. Michael were contacted and found that none prohibit work on federal holidays. In order to provide greater clarity regarding construction on holidays, and to resolve to some extent the issue with enforcement, City staff recommending amendments to the City Code and Engineering Manual to prohibit work on fewer specific Federal holidays as follows:

Current Holidays	Proposed Holidays
New Year's Day	New Year's Day
Martin Luther King, Jr. Day	Memorial Day
Presidents Day	Independence Day
Memorial Day	Labor Day
Independence Day	Thanksgiving Day
Labor Day	Christmas Day
Indigenous Peoples Day	
Thanksgiving Day	
Christmas Day	

When the City is not open for operations, Building Department staff are not available for inspections. City staff is also not available to respond to complaints. Wright County Sheriff's Office has been contacted with complaints in the past regarding construction activity, which to respond would require diverting resources away from their typical duties. The proposed changes to allowed holiday work minimizes dependance on the Wright County Sheriff's Office for this purpose.

- **Sidewalks.** Section 10-8-5.D of the Subdivision Ordinance outlines design standards for installation of sidewalks and trails within new plats. Section 10-5-8.D.2.a of the Subdivision Ordinance states that a sidewalk is required along one side of all local residential streets. Section 10-5-8.D.2.c of the Subdivision Ordinance modifies this provision exempting cul-de-sac streets from providing a sidewalk on one side unless necessary to provide a connection to a destination or other sidewalk and trail.

Since this provision was adopted on 14 October 2002, the City has only required a sidewalk to be constructed along a cul-de-sac street when connecting directly to a designation such as a public park or school or a connection to a trail along a major collector or arterial street. The City has not required a sidewalk along a cul-de-sac street to provide a through connection between blocks to another local residential street. City staff is proposing to add a clause that sidewalks are only to be required on cul-de-sac streets when determined necessary "by the City Council" as part of the subdivision review process for clarity.

A public hearing is not required to be held by the Planning Commission to consider amendments to Title 1 through Title 10 of the City Code (or Engineering Manual) and no public hearing has been noticed or held. The proposed ordinance amendments were posted to the Public Notice page of the City website on 18 February 2026 more than 10 days prior to the City Council meeting at which the proposed ordinance is scheduled for a vote in accordance with Minnesota Statutes 415.19 for the purposes of maintaining transparency with the public. No public comments have been received as of the preparation of the City Council agenda.

The Planning Commission, Administrative Subcommittee, and Public Works Subcommittee all have recommended consideration of approval of the proposed amendments of the City Code and Engineering Manual as presented.

SUPPORTING DOCUMENTS ATTACHED:

- **Ordinance 2026-02 (DRAFT)**
- **Ordinance 2026-02 (CLEAN)**
- **Summary of Ordinance 2026-02**
- **Resolution 2026-17**

POSSIBLE MOTION

PLEASE WORD MOTION AS YOU WOULD LIKE IT TO APPEAR IN THE MINUTES:

Motion to adopt and approve publication in summary form Ordinance 2026-02 amending the City Code regarding construction maintenance and sidewalks and adopt Resolution 2026-17 amending the Engineering Manual regarding construction holidays and construction sites.

BUDGET INFORMATION

FUNDING:	BUDGETED:
N/A	N/A

CITY OF OTSEGO
COUNTY OF WRIGHT
STATE OF MINNESOTA

ORDINANCE NO.: 2026-02

ORDINANCE AMENDING THE CITY CODE REGARDING CONSTRUCTION SITES AND SIDEWALKS.

THE CITY COUNCIL OF THE CITY OF OTSEGO DOES HEREBY ORDAIN:

Section 1. Section 5-1-5.G of the City Code (Health, Sanitation and Environment – Public Nuisances) is hereby amended to read as follows:

- G. Accumulations Attracting Vermin And Pests: Accumulations in the open of broken or unused metal, wood, lumber, cement, electrical fixtures, plumbing fixtures, building materials (but excluding building materials awaiting use and stored for a reasonable period of time as determined by the Zoning Administrator for allowable or necessary for construction of an allowed use or an improvement presently in progress on the same premises or a construction site regulated by Section 9-1-4 of this code, discarded or unused machinery, household appliances, automobile bodies, trash, debris, rubbish, or other material, in a manner conducive to the harboring of rats, mice, snakes, or other vermin, or the rank growth of vegetation in violation of this code among the items so accumulated, or items accumulated in a manner creating fire, health, or safety hazards.

Section 2. Section 5-1-5.M of the City Code (Health, Sanitation and Environment – Public Nuisances) is hereby repealed in its entirety with subsequent sections renumbered accordingly.

Section 3. Section 5-2-3.H.3 of the City Code (Health, Sanitation and Environment – Property Maintenance) is hereby amended to read as follows.

3. Outlots and undeveloped parcels or lots shall comply with the following:
- a. ~~The An~~ outlot or parcel or lot not undeveloped parcel(s) with a principal use shall be planted with a seed mixture approved by the Zoning Administrator and maintained to prevent growth of noxious weeds prohibited by subsection D1 of this section.
- b. For an outlot, parcel, or lot ~~or undeveloped parcel(s) not developed with a principal use~~ consisting of:
- (1) A contiguous tract of less than one (1) acre shall be exempt from ~~subsection B3~~ section 5-2-3.B.3 of this section and shall be maintained to a height not to exceed twelve inches (12"); ~~provided, that a physical barrier exists to separate the parcel from adjacent properties.~~

(2) A contiguous tract of one (1) acre or more shall be exempt from ~~subsection B3~~section 5-2-3.B.3 of this section if a physical barrier exists to separate the parcel from adjacent properties.

~~(3) A transition strip of land measuring ten feet (10') on that property that is maintained in compliance with subsection B3 of this section is required next to the abutting properties if a physical barrier separating the properties does not exist.~~

~~c. For the purposes of this chapter, a physical barrier shall meet one of the following criteria:~~

~~(1) The properties are separated by a public right of way, wetland, water body, floodplain, public open space, park, or other such similar publicly reserved and development restricted area with a minimum width of thirty feet (30') across its entire length.~~

~~(2) The abutting land use is a nonresidential use allowed in the district in which it is located.~~

~~dc.~~ The Zoning Administrator may, at ~~his~~their discretion, provide additional exceptions from the requirements of ~~subsection B3~~section 5-2-3.B.3 of this section where the physical characteristics and conditions of the outlot, ~~or undeveloped parcel or lots(s) not developed with a principal use~~ make property maintenance prohibitive or where such actions may result in erosion.

Section 4. Title 9, Chapter 1 of the City Code (Building and Development) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

9-1-4: CONSTRUCTION SITE MAINTENANCE. Property owners and builders shall be responsible at all times for maintenance of construction sites for which a building permit has been issued in accordance with the following provisions:

1. For the purposes of this section, a construction site shall include the lot or parcel for which the building permit has been issued and any other lot(s) or parcel(s) either under common ownership and/or within the same preliminary plat.

2. All debris, paper, construction material waste, scrap construction material, and other trash on the construction site shall be stored in a building or in a container so as to prohibit the waste from being scattered by wind or rain or accessed by rodents and other vermin.

3. Outdoor Storage:

a. All materials associated with the construction site, including equipment, shall be stored within the construction site.

b. Outdoor storage of materials associated with the construction site shall not obstruct access to the structure under construction or create a public safety hazard.

- c. Materials associated with the construction site shall not be stored within the public right-of-way.
- 4. Stockpiles of dirt, rock, gravel and a concrete wash out may be located within the construction site, subject to approval of the City Engineer.
- 5. Erosion control shall be installed and maintained in accordance with section title 6, chapter 9 of this code, subject to approval of the City Engineer.
- 6. All loading and unloading of materials and/or equipment is limited to the construction site and adjacent public right-of-way.
- 7. Use of portable toilets shall be allowed within the construction site, subject to approval of the City Engineer.
- 8. Damage to landscaping or other property on an abutting or adjacent property as a result of construction activities shall be replaced and restored to its original condition at the builder's or property owner's expense.
- 9. The construction site must be cleared of all debris in accordance with this section at the conclusion of each workday.

Section 5. Section 9-1-3.A.3 of the City Code (Building and Development) is hereby amended to read as follows:

- 3. No work shall be allowed on Sundays or the following official Federal holidays:
 - a. New Year's Day.
 - b. Memorial Day.
 - c. Independence Day.
 - d. Labor Day.
 - e. Thanksgiving Day.
 - f. Christmas Day.

Section 6. Section 9-1-3.C of the City Code (Building and Development) is hereby amended to read as follows:

- C. The building official may, in cases of emergency, grant permission to repair at any time when ~~he~~ finds they find that such repair work will not affect the health and safety of the persons in the vicinity.

Section 7. Section 10-8-3.D of the City Code (Subdivision Ordinance – Design Standards) is hereby amended to read as follows:

D. Sidewalks And Trails:

1. Pedestrian Movement: The subdivider shall provide for adequate pedestrian movement within the subdivision, along the subdivision, and to adjoining property which shall be provided in compliance with the Comprehensive Plan, policies established by the City Council, and this section.
2. Sidewalks:
 - a. Concrete sidewalks shall be constructed along one side of all local residential streets.
 - b. Concrete sidewalks shall be constructed along both sides of residential minor collector streets and commercial/industrial/institutional streets, except where a trail is determined to be required by the City.
 - c. ~~A sidewalk shall not be required along cul-de-sac streets unless necessary to provide access to a public park, open space, or other sidewalk or trail.~~
3. Trails: Trails shall be constructed along collector streets, arterial streets, and other roadways as designated by the Comprehensive Plan.
4. Cul-De-Sac Streets: A sidewalk or trail shall not be required to be constructed along cul-de-sac streets unless determined to be necessary by the City Council to provide access to a public park, open space, public school, other destination, or as part of the overall trail system.
45. Compliance: Construction of sidewalks or trails shall be in compliance with the specifications established by the Engineering Manual, subject to approval of the City Engineer.

Section 8. This Ordinance shall become effective immediately upon its passage and publication.

(Remainder of page intentionally blank signatures follow)

ADOPTED by the Otsego City Council this 9th day of March, 2026.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF OTSEGO

Jessica L. Stockamp, Mayor

ATTEST:

Audra Etzel, City Clerk

**CITY OF OTSEGO
COUNTY OF WRIGHT
STATE OF MINNESOTA**

ORDINANCE NO.: 2026-02

ORDINANCE AMENDING THE CITY CODE REGARDING CONSTRUCTION SITES AND SIDEWALKS.

THE CITY COUNCIL OF THE CITY OF OTSEGO DOES HEREBY ORDAIN:

Section 1. Section 5-1-5.G of the City Code (Health, Sanitation and Environment – Public Nuisances) is hereby amended to read as follows:

- G. Accumulations Attracting Vermin And Pests: Accumulations in the open of broken or unused metal, wood, lumber, cement, electrical fixtures, plumbing fixtures, building materials (but excluding building materials awaiting use and stored for a reasonable period of time as determined by the Zoning Administrator for or necessary for construction of an allowed use or an improvement presently in progress on the same premises or a construction site regulated by Section 9-1-4 of this code, discarded or unused machinery, household appliances, automobile bodies, trash, debris, rubbish, or other material; in a manner conducive to the harboring of rats, mice, snakes, or other vermin, or the rank growth of vegetation in violation of this code among the items so accumulated, or items accumulated in a manner creating fire, health, or safety hazards.

Section 2. Section 5-1-5.M of the City Code (Health, Sanitation and Environment – Public Nuisances) is hereby repealed in its entirety with subsequent sections renumbered accordingly.

Section 3. Section 5-2-3.H.3 of the City Code (Health, Sanitation and Environment – Property Maintenance) is hereby amended to read as follows.

3. Outlots and undeveloped parcels or lots shall comply with the following:
- a. An outlot or parcel or lot not developed with a principal use shall be planted with a seed mixture approved by the Zoning Administrator and maintained to prevent growth of noxious weeds prohibited by subsection D1 of this section.
 - b. For an outlot, parcel, or lot not developed with a principal use consisting of:
 - (1) A contiguous tract of less than one (1) acre shall be exempt from section 5-2-3.B.3 of this section and shall be maintained to a height not to exceed twelve inches (12").
 - (2) A contiguous tract of one (1) acre or more shall be exempt from section 5-2-3.B.3 of this section.
 - c. The Zoning Administrator may, at their discretion, provide additional exceptions from the requirements of section 5-2-3.B.3 of this section where the physical characteristics and conditions of the outlot, parcel or lots(s) not developed with

a principal use make property maintenance prohibitive or where such actions may result in erosion.

Section 4. Title 9, Chapter 1 of the City Code (Building and Development) is hereby amended to add the following provisions with subsequent sections renumbered accordingly:

9-1-4: CONSTRUCTION SITE MAINTENANCE. Property owners and builders shall be responsible at all times for maintenance of construction sites for which a building permit has been issued in accordance with the following provisions:

1. For the purposes of this section, a construction site shall include the lot or parcel for which the building permit has been issued and any other lot(s) or parcel(s) either under common ownership and/or within the same preliminary plat.
2. All debris, paper, construction material waste, scrap construction material, and other trash on the construction site shall be stored in a building or in a container so as to prohibit the waste from being scattered by wind or rain or accessed by rodents and other vermin.
3. Outdoor Storage:
 - a. All materials associated with the construction site, including equipment, shall be stored within the construction site.
 - b. Outdoor storage of materials associated with the construction site shall not obstruct access to the structure under construction or create a public safety hazard.
 - c. Materials associated with the construction site shall not be stored within the public right-of-way.
4. Stockpiles of dirt, rock, gravel and a concrete wash out may be located within the construction site, subject to approval of the City Engineer.
5. Erosion control shall be installed and maintained in accordance with section title 6, chapter 9 of this code, subject to approval of the City Engineer.
6. All loading and unloading of materials and/or equipment is limited to the construction site and adjacent public right-of-way.
7. Use of portable toilets shall be allowed within the construction site, subject to approval of the City Engineer.
8. Damage to landscaping or other property on an abutting or adjacent property as a result of construction activities shall be replaced and restored to its original condition at the builder's or property owner's expense.
9. The construction site must be cleared of all debris in accordance with this section at the conclusion of each workday.

Section 5. Section 9-1-3.A.3 of the City Code (Building and Development) is hereby amended to read as follows:

3. No work shall be allowed on Sundays or the following official Federal holidays-:
 - a. New Year's Day.
 - b. Memorial Day.
 - c. Independence Day.
 - d. Labor Day.
 - e. Thanksgiving Day.
 - f. Christmas Day.

Section 6. Section 9-1-3.C of the City Code (Building and Development) is hereby amended to read as follows:

- C. The building official may, in cases of emergency, grant permission to repair at any time when they find that such repair work will not affect the health and safety of the persons in the vicinity.

Section 7. Section 10-8-3.D of the City Code (Subdivision Ordinance – Design Standards) is hereby amended to read as follows:

- D. Sidewalks And Trails:
 1. Pedestrian Movement: The subdivider shall provide for adequate pedestrian movement within the subdivision, along the subdivision, and to adjoining property which shall be provided in compliance with the Comprehensive Plan, policies established by the City Council, and this section.
 2. Sidewalks:
 - a. Concrete sidewalks shall be constructed along one side of all local residential streets.
 - b. Concrete sidewalks shall be constructed along both sides of residential minor collector streets and commercial/industrial/institutional streets, except where a trail is determined to be required by the City.
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 4. Cul-De-Sac Streets: A sidewalk or trail shall not be required to be constructed along cul-de-sac streets unless determined to be necessary by the City Council to provide access to

a public park, open space, public school, other destination, or as part of the overall trail system.

5. Compliance: Construction of sidewalks or trails shall be in compliance with the specifications established by the Engineering Manual, subject to approval of the City Engineer.

Section 8. This Ordinance shall become effective immediately upon its passage and publication.

(Remainder of page intentionally blank signatures follow)

ADOPTED by the Otsego City Council this 9th day of March, 2026.

MOTION BY:
SECONDED BY:
IN FAVOR:
OPPOSED:

CITY OF OTSEGO

Jessica L. Stockamp, Mayor

ATTEST:

Audra Etzel, City Clerk

**CITY OF OTSEGO
COUNTY OF WRIGHT
STATE OF MINNESOTA**

SUMMARY OF ORDINANCE NO.: 2026-02

AN ORDINANCE AMENDING THE CITY CODE REGARDING CONSTRUCTION SITES AND SIDEWALKS.

NOTICE IS HEREBY GIVEN that on March 9, 2026, Ordinance 2026-02 was adopted by the City Council of the City of Otsego, Minnesota.

NOTICE IS FURTHER GIVEN that the ordinance adopted by the City Council amends the following sections of the City Code:

- Section 5-1-5: Public Nuisances
- Section 5-2-3: Property Maintenance
- Section 9-1-4: Construction Site Maintenance
- Section 10-8-3: Design Standards

ADOPTED by the Otsego City Council this 9th day of March, 2026.

CITY OF OTSEGO

Jessica L. Stockamp, Mayor

ATTEST:

Audra Etzel, City Clerk

Pursuant to Minnesota Statutes 412.191, Subd. 4 and 331A.01, Subd.10, this Ordinance is published in summary form. Complete copies of the ordinance are available for inspection by contacting the City Clerk, Otsego City Hall, 13400 90th Street NE, Otsego, Minnesota 55330 during regular office hours.

CITY OF OTSEGO
COUNTY OF WRIGHT
STATE OF MINNESOTA

RESOLUTION NO: 2026-17

AMENDING THE ENGINEERING MANUAL
REGULATING CONSTRUCTION HOLIDAYS AND CONSTRUCTION SITES

WHEREAS, Section X.10 of the Engineering Manual establishes limits on construction hours; and

WHEREAS, the City has identified a need to revise the construction hours for consistency with the City Code and to better balance the need to complete work with the potential for negative impacts to adjacent land uses; and

WHEREAS, the proposed amendment includes a provision of facilities commonly in place within construction sites.

WHEREAS, said the City Council considered proposed amendments at its meeting on 9 March 2026.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OTSEGO, MINNESOTA THAT:

1. Section X.10 of the Engineering Manual is hereby repealed in its entirety and revised to read as follows:

10. ~~Work shall not commence before 7:00 a.m. nor extend beyond 7:00 p.m. Monday through Friday. On Saturdays, the hours will be from 8:00 a.m. to 5:00 p.m. No work is to be done on Sundays without prior written authorization. Hours and days of work may be modified based on need. Use of portable toilets shall be allowed within the construction site, subject to approval of the City Engineer.~~

2. The Engineering Manual is hereby amended to add the following provisions:

XI. Construction Hours.

1. Grading, excavation, paving, other street and utility construction, or other activities related to private land development regulated by this engineering manual shall occur only between the following hours:

a. Monday through Friday: Seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M.

b. Saturday: Eight o'clock (8:00) A.M. to five o'clock (5:00) P.M.

2. No work regulated by this engineering Manual shall be allowed on Sundays or the following official Federal holidays-:

a. New Year's Day.

b. Memorial Day.

c. Independence Day.

d. Labor Day.

e. Thanksgiving Day.

f. Christmas Day.

4. *The City Engineer may, in cases of emergency, grant permission to repair at any time when they find that such repair work will not affect the health and safety of the persons in the vicinity.*

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