

October 22, 2013

The Regular meeting of the Otsego County Board of Commissioners was held in the County Building at 225 West Main Street, Room 100. The meeting was called to order at 9:30 a.m. by Chairman Lee Olsen. Invocation by Commissioner Ken Borton, followed by the Pledge of Allegiance led by Commissioner Erma Backenstose.

Roll call:

Present: Tammy LaBouef, Paul Beachnau, Lee Olsen, Erma Backenstose, Richard Sumerix, Ken Borton, Bruce Brown.

Excused: Paul Liss, Doug Johnson.

Motion by Commissioner Richard Sumerix, to approve the regular minutes of October 8, 2013 with attachments. Motion by Commissioner Tammy LaBouef to amend the public comment of Paul Sopsich to read he inquired about the Gaylord Downtown Renaissance/streetscape meetings and when and how they would be run. Motion by Commissioner Richard Sumerix to approve minutes as amended. Motion by Commissioner Richard Sumerix to add the comment for funding of another bin for recycling and where it is coming from. Motion by Commissioner Richard Sumerix to postpone the approval of the October 8, 2013 minutes to the November 5, 2013 meeting. Ayes: Unanimous. Motion carried.

Consent Agenda:

Motion to approve the 2013 Conservation District Agreement amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the 2013 Animal Control Budget amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the 2013 Corrections Officers training fund budget amendment. Ayes: Unanimous. Motion carried.

Motion to approve the Commission on Aging appointment of Patrick Carroll with the term to expire on December 31, 2016. Ayes: Unanimous. Motion carried.

Motion to approve the Social Services Board reappointment of Sherry Huff with the term to expire on October 31, 2016. Ayes: Unanimous. Motion carried.

Motion to approve the 2013 Contingency/Equipment fund budget amendment. Ayes: Unanimous. Motion carried. (see attached)

Administrator's Report:

John Burt having meetings with Unions; budget amendments; purchase of eight (8) 9-1-1 radios.

Motion by Commissioner Erma Backenstose, to approve the budget amendment for the 911 Department (261) in the amount of \$26,400 as presented. Ayes: Unanimous. Motion carried.(see attached)

Special Presentation:

Tax Exempt Finance Regulatory Act (TEFRA) public hearing was opened at 9:50 a.m.

Department Head Report:

Bill Kerr presented the 2013 Apportionment Report to the Board.

Motion by Commissioner Erma Backenstose, to approve the 2013 Apportionment Report as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Paul Beachnau, to obtain a credit card for the Sheriff's office with a \$5,000 limit with requirements that they follow all internal control procedures established by the Finance Department. Ayes: Unanimous. Motion carried.

Motion by Commissioner Richard Sumerix, to approve the Parks & recreation Fee schedule effective immediately. Ayes: Unanimous. Motion carried. (see attached)

City Liaison, Township and Village Representatives- None.

Correspondence:

September financial reports were presented.

Chairman Lee Olsen received correspondence from Cheboygan County they are working on their master plan; Bay County resolution supporting HB4194.

New Business:

Public hearing closed at 10:13 a.m.

Motion by Commissioner Ken Borton, to adopt Resolution OCR 13-21 Otsego County Hospital Finance Authority as presented.

Roll Call Vote:

Ayes: Tammy LaBouef, Paul Beachnau, Lee Olsen, Erma Backenstose, Richard Sumerix, Ken Borton, Bruce Brown.

Nays: None.

Excused: Paul Liss, Doug Johnson.

Motion carried/Resolution adopted. (see attached)

Motion by Commissioner Tammy LaBouef, to approve the October 15, 2013 Warrant in the amount of \$224,630.46 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Bruce Brown, to approve the October 22, 2013 Warrant in the amount of \$347,728.66 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Erma Backenstose, to enter into closed session to discuss settlement of pending litigation in accordance with the open meeting act, being MCL 15.268(e) to consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

Roll Call Vote:

Ayes: Tammy LaBouef, Paul Beachnau, Lee Olsen, Erma Backenstose, Richard Sumerix, Ken Borton, Bruce Brown.

Nays: None.

Excused: Paul Liss, Doug Johnson.

Motion carried.

Public Comment:

Paul Sopsich requested that hard copies of the previous meeting minutes be available for the public to review.

Board Remarks:

Commissioner Tammy LaBouef: Reported Mill Street Café is holding a breast cancer fundraiser today; Trunk or Treat scheduled on Saturday; Reported the City meeting, Asian Carp resolution, well drill request by Larry Edwards was denied.

Commissioner Ken Borton: Attended the MAC Environmental committee meeting, Gov. Snyder asked the State to start a state wide recycling program, another meeting to be held with the State in December; MAC discussed raising the term of offices for the Commissioners and the US House from 2 years to 4 years; Attended the Planning Commission meeting, starting the 5 plan review for the master plan, zoning District change request for Otsego Lake, Paul Hartman is the new Chairman for the Planning Commission.

Commissioner Rich Sumerix: Attended the Bagley Township meeting, DDA discussion and roads of the Township.

Commissioner Erma Backenstose: Attended the Otsego Lake Township meeting, citizens are asking that minutes from the Township be posted on the Township website.

Commissioner Paul Beachnau: Disappointed about the snowmobile request that was made to the Parks and Recreation was denied; Concerned about 2014 budget regarding health care changes.

Entered into closed session at 10:45 a.m.

Returned to open session at 11:16 a.m.

Motion by Commissioner Ken Borton, to appoint John Burt to serve as representative for Otsego County and authorized accordingly to terms discussed in closed session on October 22, 2013.

Ayes: Unanimous. Motion carried.

Meeting adjourned at 11:17 a.m.

Lee F. Olsen, Chairman

Susan I. DeFeyter, Otsego County Clerk

**CONTRACT
COUNTY OF OTSEGO**

CONTRACT: Made as of this 22nd day of October in the year of 2013.

BETWEEN:

The County: County of Otsego
 County- City Building
 225 West Main Street
 Gaylord, Michigan 49735

AND

The District: Otsego Conservation District
 800 Livingston Blvd., Suite 4~A
 Gaylord, Michigan 49735

The Project: Administration of the Otsego County Soil Erosion
 Permits

Funding Sources: Otsego County's Soil Erosion Permit Fees

ARTICLE 1

THE CONTRACT DOCUMENTS

- 1.1 The Contract Documents consist of this Agreement (hereinafter the Contract), and other documents listed in this Contract and modifications issued after the execution of the Contract, and are as fully a part of the Contract, as if attached to this Contract or repeated herein. The Contract represents the entire and integrated agreement between the parties and supersedes prior negotiations, representation or agreements, either written or oral. An enumeration of the Contract Documents appears in ARTICLE 7.

ARTICLE 2

THE DISTRICT DUTIES AND RESPONSIBILITIES

- 2.1 The District shall provide all the services required by the Contract Documents for the administration and enforcement of the Soil Erosion and Sedimentation Control Act including all labor and staffing, all fringe benefits and other employer obligations. (e.g., workman's compensation, unemployment FICA, health insurance/benefits, retirement), postage materials, supplies, equipment, to provide a means for transportation of staff while in performance of his/her duties, carry proper insurance for liability, and, automobile, and other costs provided to fulfill the District's obligations.
- 2.2 The District shall perform all duties as specified or indicated in the Soil Erosion and Sedimentation Control Act.
- 2.3 The District shall prepare an annual report for the County.
- 2.4 To provide qualified staff including a state certified Soil Erosion Control Officer who shall administer the Soil Erosion and Sedimentation Control Act. To conduct plan reviews, site inspections, and to provide needed technical advice for applicants and permit holders.
- 2.5 To handle all applications and issue permits and all other requirements of the Soil Erosion and Sedimentation Control Act.
- 2.6 To maintain proper records related to the administration and enforcement of the Soil Erosion and Sedimentation Control Act. Maintain individual files or records for each application and permit issued or denied, which shall include at a minimum, copies of any application or amendments, including all supporting

and/or related documentation, site plan and drawing, copies of permits or denial (and reason for denial). Copies of all correspondences, date permit was applied for, date permit was issued or denied, any technical advice made or given to applicants or permit holder, date(s) of site inspections, any violation, (including date of violation, action taken, date and manner in which any notice of violation was given, and compliance or non-compliance with notice) and date of completion.

- 2.7 To comply with the Freedom of Information Act, being MCL 15.231.
- 2.8 To cooperate with the Department of Environmental Quality and to report to County any periodical review, recommendations or action taken by the Department of Environmental Quality and to implement any order, stipulation, or consent agreement issued by the Department of Environmental Quality.
- 2.9 To keep the Otsego County Board of Commissioners, informed of administration of this agreement and enforcement of the Soil Erosion and Sedimentation Control Act by providing an annual written report. The written report shall include at a minimum: the number of permits applied and issued by location, site visits by locations, violations, and any enforcement action taken.
- 2.10 To forward copies of all permits issued to Otsego County Land Use Services Department on a weekly schedule.
- 2.11 To remain current with standards and specifications for the Soil Erosion and Sedimentation Control Act.
- 2.12 To timely notify the Department of Environmental Quality (if required), Otsego County Land Use Services Department, of any violation or enforcement action taken by the Soil Erosion and Sedimentation Control Act.
- 2.13 To immediately notify the Otsego County Administrator's office of any matter which there is a possibility or threat of litigation, and in case of actual litigation to immediately notify the Otsego the Otsego County Administrators office.
- 2.14 Review Soil Erosion fee schedule and provide recommendations to Otsego County.

ARTICLE 3

OBLIGATIONS OF THE COUNTY

- 3.1 The County shall provide legal counsel as needed for:
- 3.1.1 Prosecution for failure to comply with or violations of the Soil Erosion and Sedimentation Control Act.
 - 3.1.2 Advise the District on matters related to the Soil Erosion and Sedimentation Control Act.
- 3.2 To annually fund the administration and enforcement of this Agreement, the Soil Erosion and Sedimentation Control Act.
- 3.3 The County shall periodically review and update the fee schedule, based on recommendations from the District.
- 3.4 To periodically meet with the District concerning enforcement and administration of the Soil Erosion and Sedimentation Control Act.

ARTICLE 4

DATE OF COMMENCEMENT AND RENEWAL

- 4.1 The Contract Period will begin October 22, 2013 and continue until December 31, 2014.
- 4.2 The Contract thereafter will automatically renew each year thereafter unless either party should give written notice of termination at least 30 days prior to the end of the current agreement.

ARTICLE 5

PAYMENT METHOD

- 5.1 The District shall collect application fees as established by the County and shall use those fees as funding for its duties and responsibilities under this Contract.

ARTICLE 6

TERMINATION AND SUSPENSION

- 6.1 If the District defaults or neglects to carry out its duties in accordance with the Contract

and fails within a seven (7) day period after receipt of written notice from the County correction of such default or neglect with diligence and promptness, the County may, without prejudice to other remedies, correct such deficiencies and/or order the District to stop all work under the Contract. If the District fails to correct non-compliance, or perform in a manner that is not in accordance with the requirements of the contract documents, the County, by written, notice may order the District to stop all work under this Contract, or any portion thereof, until the cause for such order has been eliminated.

- 6.2 Either party may terminate this Agreement for any or no reason upon ninety (90) day written notice.
- 6.4 In the event of suspension under paragraph 6.1 or termination under paragraph 6.2, then in such case, as appropriate, the District shall pay to the County any funds not yet expensed and any expenses made necessary by such default, neglect or failure, if such payment, then or thereafter due the District is not sufficient to cover such amounts, the District shall pay the difference to the County.

ARTICLE 7

ENUMERATION OF CONTRACT DOCUMENTS

The Contract Documents, which comprise the entire agreement between the County and the District, consist of the following:

- 7.1 This Contract (Article 1 through 8, inclusive).
- 7.2 SOIL EROSION AND SEDIMENTATION CONTROL ACT, PART 91, PA. 451, as amended and the rules promulgated under the Soil Erosion and Sedimentation Control Act and the Otsego County Zoning Ordinance.

There are no Contract Documents other than those listed above in this ARTICLE 7.

ARTICLE 8

MISCELLANEOUS PROVISIONS

- 8.1 The District shall conform to requirements of any federal, state, or local laws, ordinances, rules and regulations.
- 8.2 District shall indemnify and hold harmless the County, its agents and employees from and against all claims, damages, losses and expenses, including but not limited to, attorney's fees arising out of or resulting from the performance of this contract, provided that such

claim, damage, Loss or expenses is caused in whole or in part by any negligent act or omission of the District.

- 8.3 County shall indemnify and hold harmless the District, its agents and employees from and against all claims, damages, losses and expenses including but not limited to, attorney's fees arising out of, or resulting from any action taken by the Soil Erosion Control Committee, provided that such claim, damage, loss or expenses is caused in whole or in part by any negligent act or omission of the Soil Erosion Control Committee.
- 8.4 No assignment by a party hereto of any rights or obligations under or interest in the contract documents,
- 8.5 The Contract may only be amended, modified or supplemented by written instruments signed by both parties.
- 8.6 This contract represents the entire agreement of the parties and supersedes any and all prior negotiations, representations or agreements, either written or oral.
- 8.7 District has familiarized itself with the nature and extent of the contract Documents, and all Laws, Rules and Regulations and Ordinance that in any manner may affect cost, progress, or performance of this contract.
- 8.8 District in performing under this agreement, shall not discriminate against any worker, employee, or applicant for employment because of race, color, height, weight, marital status, national origin, ancestry, sex, age, (except where requirements as to age is based upon a bona fide occupational qualification), or handicap (that is unrelated to the individual's ability to perform duties of a particular job or position) under state or federal, law.
- 8.9 All solicitations or advertisement for employees placed by or on behalf of the District, or subcontractor, shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, height, weight, marital status, national origin, ancestry, sex, age or handicap.
- 8.10 All prior agreements are null and void.

This Contract is entered into as of the day and year first written above and is executed to at least two (2) original copies of which one is to be delivered to the District and one to the County.

COUNTY:

John Burt
County Administrator

Date: _____

DISTRICT:

Larry Nowak, Chairperson
Otsego Conservation District

Date: _____



OTSEGO COUNTY BUDGET AMENDMENT

FUND/DEPARTMENT: Animal Control

As provided for in the Uniform Budget and Accounting Act of 1978, as amended, and consistent with Otsego County Policy, the Administrator and Finance Director are hereby authorized to record the following adjustments to the budget.

Fund Type: General Special Revenue Debt Service Capital Project Business-Type (Enterprise or Internal Svc)

REVENUE For miscellaneous expenses related to high number of stray cats and call-outs

Account Number	Decrease	Increase
- -	\$	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
212-941-999.990 Contribution to Fund Balance	\$	\$10,000
212-430-726.000 Supplies	\$2,000	\$
212-430-726.035 Medical Supplies	\$1,000	\$
212-430-726.050 R/M Supplies	\$1,000	\$
212-430-930.450 Shipping & Mailing	\$1,000	\$
212-430-930.471 Medical	\$2,500	\$
212-430-930.660 Gas	\$2,500	\$
Total	\$10,000	\$10,000

Department Head Signature

Date

Administrator's Signature

Date

Finance Department
Entered:
By:

Board Approval Date (if necessary)
OCF-3 (10/14/05)

Budget Adjustment #

Posting Number



OTSEGO COUNTY BUDGET AMENDMENT

FUND/DEPARTMENT: Corrections Officer Training Fund

As provided for in the Uniform Budget and Accounting Act of 1978, as amended, and consistent with Otsego County Policy, the Administrator and Finance Director are hereby authorized to record the following adjustments to the budget.

Fund Type: General Special Revenue Debt Service Capital Project Business-Type (Enterprise or Internal Svc)

REVENUE

Account Number	Decrease	Increase
264-050-400.001 Budgeted Use of Fund Balance	\$	\$2,925
- -	\$	\$
- -	\$	\$
- -	\$	\$
Total	\$	\$2,925

EXPENDITURE

Account Number	Increase	Decrease
264-362-704.400 Education and Training	\$2,925	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
Total	\$2,925	\$

Department Head Signature _____ Date _____

Administrator's Signature _____ Date _____

Finance Department
Entered:
By:

Board Approval Date (if necessary)
OCF-3 (10/14/05)

Budget Adjustment # _____

Posting Number _____



OTSEGO COUNTY BUDGET AMENDMENT

FUND/DEPARTMENT: 911 Service Fund

As provided for in the Uniform Budget and Accounting Act of 1978, as amended, and consistent with Otsego County Policy, the Administrator and Finance Director are hereby authorized to record the following adjustments to the budget.

Fund Type: General Special Revenue Debt Service Capital Project Business-Type (Enterprise or Internal Svc)

REVENUE For purchase of eight APX 6500 radios for City and Sheriff Patrol Cars

Account Number	Decrease	Increase
- -	\$	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
261-427-703.010 Dept Dir/Comm	\$	\$26,400
261-901-970.435 Property – Machinery & Equipment	\$26,400	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
Total	\$	\$

Department Head Signature

Date

Administrator's Signature

Date

Finance Department
Entered:
By:

Board Approval Date (if necessary)

Budget Adjustment #

Posting Number



Otsego Lake County Park

User fees at park recommended by the Otsego County Parks and Recreation Commission approved at the regular meeting held on October 14, 2013.

2013	2014
Day vehicle pass \$3.00-----	All day vehicle pass \$4.00
Senior DVP \$2.00-----	No senior day pass
Season pass \$14.00 -----	\$15.00
Senior SP \$5.00-----	\$7.00
Pavilion resident Sat. & Sun. \$50.00 8:a.m.-9:00p.m. ----	\$65.00 for all days
Pavilion non res. \$60.00 -----	If they are reserving the pavillon somebody
Pavilion weekdays no charge	In the group is a county resident
Overnight camping- county resident \$23.00-----	\$25.00
Overnight camping -non resident \$25.00-----	\$26.00
Special Event Camping Fee N/C-----	\$10.00 1 time fee. Halloween week
	a client may be camping for the week or
	a day. Either way they are charged
	\$10.00 to help cover all the activities.

OCR 13-21
Otsego County Hospital Finance Authority
Otsego County Board of Commissioners
October 22, 2013

WHEREAS, the County of Otsego Hospital Finance Authority (the "Authority") proposes to make loans to Otsego Memorial Hospital Association (the "Hospital") to be used by the Hospital, together with other available funds of the Hospital, to refinance existing indebtedness of the Hospital and to pay the costs related thereto; and

WHEREAS, the Authority intends, pursuant to a plan of financing as described in Section 147(f)(2)(C) of the Internal Revenue Code of 1986, as amended (the "Code"), to issue bonds, in one or more series, on behalf of the Hospital (collectively, the "Bonds") in the aggregate principal amount of not to exceed \$20,000,000 to provide funds with which to make the loans to the Hospital; and

WHEREAS, the Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the County of Otsego, the State of Michigan or any political subdivision thereof; and

WHEREAS, this Board of Commissioners has held a public hearing after a notice was published as provided in, and in satisfaction of the applicable public hearing requirements of, the Code; and

WHEREAS, the Authority has requested that this Board of Commissioners approve the issuance of the Bonds; and

WHEREAS, this Board of Commissioners desires to express its approval of the issuance of the Bonds by the Authority; now, therefore, be it

RESOLVED by the Otsego County Board of Commissioners, as follows:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the Board of Commissioners of the County of Otsego, Michigan, hereby approves the issuance, sale and delivery, in one or more series, of not to exceed \$20,000,000 in aggregate principal amount of the Bonds.
2. The County Clerk is hereby directed to provide three (3) certified copies of this resolution to the Secretary of the Authority.