

March 27, 2007

The Regular meeting of the Otsego County Board of Commissioners was held in the Multi-Purpose Room of the J. Richard Yuill Alpine Center. The meeting was called to order at 9:30 a.m. by Chairman Glasser. Invocation by Chairman Glasser, followed by the Pledge of Allegiance led by Commissioner Liss.

Roll call:

Present: Backenstose, Bates, Liss, Glasser, Johnson, Hyde.

Excused: Beachnau, Olsen.

Absent: Bentz.

The Regular meeting minutes of March 13, 2007 with attachments were approved as corrected. The minutes were corrected on page three to read Motion by Commissioner Beachnau, to send the letter to MAC pending clarification of Mr. Edel and review of legal council. Motion carried.

The motion to approve the MERS changes was removed from the consent agenda and placed under new business as item d).

Consent Agenda:

Motion to adopt resolution OCR-07-16 NE MI Comprehensive Economic Development Strategy.

Roll Call Vote:

Ayes: Unanimous.

Nays: None.

Excused: Beachnau, Olsen.

Absent: Bentz.

Motion carried/Resolution adopted. (see attached)

Motion to approve the General Fund (101) 2007 budget amendment as presented. Motion carried via unanimous consent. (see attached)

Motion to approve the Parks and Recreation Fund (208) 2007 budget amendment as presented. Motion carried via unanimous consent. (see attached)

Motion to approve Brad Butcher & Associates Contract with corrections. Motion carried via unanimous consent as corrected.

Motion to approve the building inspector contract with Brian Wojtkowiak as presented. Motion carried via unanimous consent. (see attached)

Motion to adopt resolution OCR-07-17 Region 7 Homeland Security Board.

Roll Call Vote:

Ayes: Unanimous.

Nays: None.

Excused: Beachnau, Olsen.

Absent: Bentz.

Motion carried/Resolution adopted. (see attached)

Motion to approve Admin/General Fund (645/101) 2007 budget amendment as presented.

Motion carried via unanimous consent. (see attached)

Motion to approve the Building and Grounds Fund (637) 2007 budget amendment as presented.

Motion carried via unanimous consent. (see attached)

Administrator's report:

John Burt reported that there is a citizens jail committee meeting scheduled for March 28, 2007 at 5:30 p.m.; Management Team meeting set for April 4, 2007 at 9:00 a.m.; Department head manual; 9-1-1 director position posted.

Motion by Commissioner Backenstose, to request the Treasurer to submit an annual investment report. Ayes: Unanimous. Motion carried.

Commissioner Johnson reported on an update from MMRMA.

Rachel Frisch reviewed the balance sheet and the case flow projections 2007 and forward.

Elizabeth Haus reported the Village and the School Board completed a quit claim deed.

Carol Brown from the Edelweiss Garden Club reported to the Board that the club will be receiving \$5,000.00 from a contest they entered.

New Business:

Motion by Commissioner Hyde, to approve Warrant B2007-12 in the amount of \$127,767.44 with prepaids in the amount of \$53,071.02 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Johnson, to approve Warrant B2007-13 in the amount of \$491,146.53 with prepaids in the amount of \$5,732.87 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Liss, to appoint the following people to the Veteran's Affairs Committee, effective immediately: Clark Bates through December 31, 2007; William Ahrenberg through December 31, 2008; Ken Glasser through December 31, 2009; Mike Hyde through December 31, 2010; and Donald Peterson through December 31, 2010. Ayes: Unanimous. Motion carried.

Motion by Commissioner Backenstose, to adopt Otsego County Ordinance 07-01 Text Amendment (kennels) as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the MERS changes. Ayes: Unanimous. Motion carried.

Mary Sanders questioned the Veteran's affairs committee appointments.

Richard Edmonds reported there is an open house April 18th to have citizens comment on the proposed rental registration ordinance.

Board Remarks:

Commissioner Hyde: Reported on the Airport.

Sheriff McBride announced on May 24th there will be a sheriff sale.

Commissioner Glasser: Updated Committee list.
 NEMCSA annual report.
 April 24th Board of Commissioner's meeting is at 7:00 p.m. at the
 Corwith Township Hall.

Commissioner Backenstose: Attended MTA meeting.

The resolution from Don Nordeen was referred to the I-75 task force committee.

Meeting adjourned at 10:26 a.m. at the call of the Chair.

Kenneth R. Glasser, Chairman

Susan I. DeFeyter, County Clerk

OCR 07-16
A RESOLUTION OF CONCURRENCE WITH
THE 2007/2008 NORTHEAST MICHIGAN
COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS)

OTSEGO COUNTY BOARD OF COMMISSIONERS
March 27, 2007

WHEREAS, Otsego County desires to improve the county economy,

WHEREAS, The Otsego County Board of Commissioners actively supports and currently participates in the economic development district activities of the Northeast Michigan Council of Governments (NEMCOG), and

WHEREAS, The Northeast Michigan Council of Governments' Regional Economic Development Advisory Committee (REDAC) has reviewed and adopted the 2007/2008 Comprehensive Economic Development Strategy (CEDS), and

WHEREAS, Concurrence with the CEDS by each county in the Region – Alcona, Alpena, Cheboygan, Crawford, Montmorency, Oscoda, Otsego and Presque Isle – does not preclude any of developing their own CEDS and allows them to retain eligibility for U.S. Economic Development Administration (EDA) funds, now, therefore, be it

RESOLVED, That Otsego County hereby adopts the 2007/2008 CEDS, because it does reflect the economic interests and concerns of the county, and be it further

RESOLVED, That Otsego County requests continued designation by the Economic Development Administration as a Redevelopment Area eligible for EDA grants, loans and other programs under the Public Works and Economic Development Act of 1965, as amended.



OTSEGO COUNTY BUDGET AMENDMENT

FUND/DEPARTMENT: 101E101

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
-	\$	\$
-	\$	\$
-	\$	\$
-	\$	\$
Total	\$	\$

EXPENDITURE

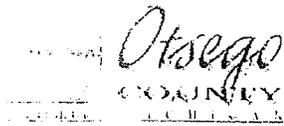
Account Number	Increase	Decrease
101E101 930300 Commissioners Advertising	\$ 1,100	\$
101E427 703010 Dept head Salary	\$	\$ 1,100
-	\$	\$
-	\$	\$
-	\$	\$
-	\$	\$
Total	\$	\$

3/20/07
 Department Head Signature Date

3/23/07
 Administrator's Signature Date

Finance Department
Entered:
By:

Board Approval Date (if necessary) _____ Budget Adjustment # _____ Posting Number _____
 OCF-3 (10/14/05)



OTSEGO COUNTY
BUDGET AMENDMENT

FUND/DEPARTMENT: 208752 Parks+Rec

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
- -	\$	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
Total		\$

EXPENDITURE

Account Number	Increase	Decrease
208E - 752 - 703060 <i>Part-Time</i>	\$	\$ 16,629.00
- -	\$	\$
208E - 752 - 703030 <i>Reg. Hourly</i>	\$ 10,629.00	\$
208E - 752 - 703070 <i>Over-Time</i>	\$ 6,000.00	\$
- -	\$	\$
- -	\$	\$
Total	\$	\$

Department Head Signature

3-12-7
Date

Finance Department	
Entered:	
By:	

Administrator's Signature

3-23-07
Date

Board Approval Date (if necessary)

Budget Adjustment #

Posting Number

Construction Code Inspection and Enforcement Contract

Contract made this 7th day of March, 2007, by and between **Otsego County**; a municipal corporation whose address is 225 W. Main Street; Gaylord, Michigan and **Brian Wojtkowiak**, whose address is 3965 Chester Road; Gaylord, Michigan, to perform Building Inspections and/or Plan Reviews.

Whereas, the County desires to enter into a contract with Brian Wojtkowiak to retain his service, to provide technical assistance to the County by performing certain construction code functions for the County, as specified after his name, pursuant to the within contract:

Brian Wojtkowiak – Building Inspections and/or Plan Review, *State Registration No.:* Conditional State approval granted 3/6/07 Registration to be provided May of 2007

Whereas, the foregoing individual in his capacity of providing technical service to the County will be appointed as a Public Official; and

Whereas, the foregoing individual accepts this appointment and has qualifications to perform such functions through training, experience, and State registration; and

Whereas, Appointment as Public Officials for the County is intended to permit only the above listed individual to perform work for the County, and

Whereas, the appointment as a Public Official and the terms of this contract are non-exclusive and it is understood that the individual named above may perform similar duties for other municipalities and that the County may contract with other individuals to perform similar duties.

Now, therefore, in consideration of the premises and the covenants and conditions hereafter contained, it is hereby agreed by and between the parties hereto as follows:

1. The County hereby contracts with Brian Wojtkowiak for the County to retain his services to provide technical and consultation services to assist the County and its public officials in the performance of official duties and responsibilities in Building Inspections and/or Plan Review for the County to determine compliance with applicable State and County laws.
2. Brian Wojtkowiak shall be appointed as a public official and when conducting work for the County shall be directly responsible to the County for the performance of his duties and responsibilities hereunder and may be removed at will by the County for failure to perform such duties and responsibilities to the satisfaction of the County or for any other reason which the County shall deem sufficient.
3. The actions and decisions of Brian Wojtkowiak as a Building Inspector and/or Plan Reviewer shall be governed and controlled by this contract and by the respective construction codes adopted by the County applicable to his particular functions and he shall not exercise any discretion with respect thereto unless specified in said codes.
4. Brian Wojtkowiak shall not be considered an *employee* of the County and accordingly the County shall have no responsibility for any expenses for Brian Wojtkowiak for workers compensation insurance, unemployment insurance, health and/or accident insurance, public liability insurance, or for any withholding for social security, federal or state income taxes or otherwise.
5. Since the within contract does not create an employer/employee relationship between the County and Brian Wojtkowiak, it is understood that the County is interested only in qualified Building Inspections and/or Plan Reviews under the pertinent construction code provisions of the County, and accordingly Brian Wojtkowiak shall otherwise be in control of the time and method of such activities, subject to the provisions of paragraphs 6, and 7 herein.

6. All inspections shall be completed by the official within 5 business days of said official being notified by the County, and a decision regarding whether the structure inspected is in compliance or non-compliance with the pertinent construction codes shall be made within that time frame, unless excused from such time constraints for reasons beyond the control of the official.
7. Brian Wojtkowiak shall perform his duties and obligations hereunder in a good and workmanlike manner to the satisfaction of the County, and shall maintain the officials qualifications and registration with the State of Michigan necessary to perform the obligations hereunder and shall remain knowledgeable for the particular code and all amendments thereto which said official is hereby authorized to administer and enforce *and in all respects remain in compliance with 1986 PA 54, Building Officials and Inspectors Registration Act, MCL 338.2305, et. seq.*
8. Brian Wojtkowiak shall contact the permit applicant or project designer to correct deficiencies as noted. Any uncorrected violations of the County or State Codes in effect within the County shall be enforced by the Building Official as the *County's* enforcing officer through notices to the permit holder, orders to appear and show cause why the construction should not be stopped by stop work orders, by applications to circuit court for injunctive or other relief by compliant and warrant against the violator, and by other remedies allowed by law, construction code or ordinance. All proceedings shall be brought in the name of the County and the County shall be responsible for out-of-pocket costs for such proceedings.
9. The County shall make the following payments to Brian Wojtkowiak within 30 days of the receipt of an activities report from Brian Wojtkowiak based upon such docket entries. Complete docket entries shall accompany the monthly activities report and shall be filed with the County Finance Director.

A.	Building Inspections.....	\$30 per inspection Plus mileage as calculated from the center of the City of Gaylord to the construction Site at .30 cents per mile.
B.	Substitute Building Inspections “emergency fill-in” for sick inspector..... No prior notice – call the day of need (Maximum 1 or 2 inspections)	\$35 per inspection Plus mileage as calculated from the City/County Building Downtown Gaylord to the construction site at .30 cents per mile.
C.	Plan review fees	
	1. Other than one and two family dwellings.....	.001 percent of construction value of the project with a minimum fee of \$100.
	2. One and two family dwellings.....	\$50 each
	3. Residential Additions (up to 720sf) HUD or BOCA Modulars	\$25 each
	4. Foundation Only for Residential dwellings	\$25 each

- D. Training, to be defined as
- 1. The 'probationary' period immediately after the date of this contract where Brian Wojtkowiak 'shadows' a Building Department employee, and
 - 2. Those times while under contract that Brian Wojtkowiak is required to attend classes to maintain his State Certification.
- \$17 per hour
no mileage

There will be no charge for consultation or customary phone calls related to plan reviews.

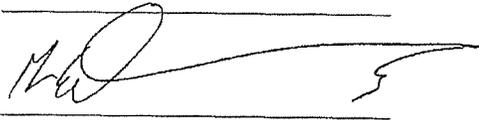
- 10. Brian Wojtkowiak shall have authority to seek assistance from the State Construction Code Commission or its duly qualified personnel in reviewing any construction decisions in the performance of his duties.
- 11. This agreement may be terminated by either party upon 60 days written notice to the other party.

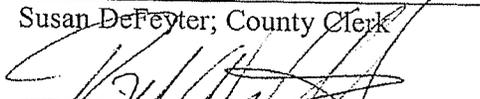
IN WITNESS WHEREOF the parties hereto have executed this contract by authority of their respective governing boards or other designated controlling authority the day and date first above written.

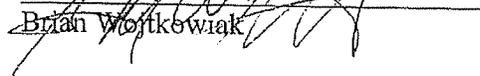
Signed in the presence of:

Otsego County

John Burt, Otsego County Administrator



Susan DeFeyer, County Clerk


Brian Wojtkowiak


OCR 07-17
REGION 7 HOMELAND SECURITY BOARD

OTSEGO COUNTY BOARD OF COMMISSIONERS
March 27, 2007

WHEREAS, pursuant to the State of Michigan Emergency Management Act 390 of 1976, amended by Act 132,2002, Section 30.407a, subsection 7.a.4(b) and 7.a.4(k), the County is part of the Region 7 Homeland Security Planning Board; and

WHEREAS, the purpose of the Board is to enhance regional preparedness for an emergency within the County and Region 7 as a whole; and

WHEREAS, Grand Traverse County, as part of the Region 7 Board, has agreed to act as fiscal agent for the Board; and

WHEREAS, as fiscal agent, Grand Traverse County is, under the Rules of the Board, responsible for making purchases using state, federal and local grant money and, according to the Rules, "will be held responsible" for equipment purchased without submission of Eligibility Confirmation forms that is determined to be ineligible by the Department of Homeland Security, state or federal, even where that purchase has been authorized by the Region 7 Board; and

WHEREAS, the Homeland Security Grant Agreement signed between Grand Traverse County and the Michigan Department of State Police provides that final determination on how funds awarded by the grant agreement will be spent and will be decided by the Homeland Security Region 7 Board, not Grand Traverse County; and

WHEREAS, Grand Traverse County is willing to act as fiscal agent only if the other 16 counties comprising the Region 7 Board are willing to agree to hold harmless and indemnify Grand Traverse County in the event an expenditure approved by the Region 7 Board is later determined to be ineligible for reimbursement under the rules of a state, federal or local grant; and

WHEREAS, it is beneficial to both the County and the Region 7 Board to have Grand Traverse County act as fiscal agent for the Board, and fair to indemnify and hold harmless Grand Traverse County where a purchase is authorized by the Region 7 Board but later determined ineligible for grant reimbursement; now, therefore, be it

RESOLVED, by the Otsego County Board of Commissioners that, the County agrees to indemnify and hold harmless Grand Traverse County, acting as fiscal agent for the Region 7 Board, for expenditures approved by the Region 7 Board should that expenditure later be determined by some state, federal or local agency to be ineligible for reimbursement under the terms of a grant.



OTSEGO COUNTY BUDGET AMENDMENT

FUND/DEPARTMENT: Administrative Services

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
-	\$	\$
-	\$	\$
-	\$	\$
-	\$	\$
Total	\$	\$

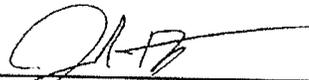
EXPENDITURE

Account Number	Increase	Decrease
645E172 930660 Gasoline	\$ 600.00	\$
101E941 999010 Contingency	\$	\$ 600.00
-	\$	\$
-	\$	\$
-	\$	\$
-	\$	\$
Total	\$ 600.00	\$ 600.00

Department Head Signature _____

Date _____

Finance Department
Entered: _____
By: _____


Administrator's Signature _____

3-23-07
Date _____

Board Approval Date (if necessary) _____

Budget Adjustment # _____

Posting Number _____



OTSEGO COUNTY BUDGET AMENDMENT

FUND/DEPARTMENT: 637E265 /Building & Grounds

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
- -	\$	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
101E941 999010 Contingency General Fund	\$	\$ 3,750
637E265 940010 Building & Grounds Outside Contracted Services	\$ 3,750	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
- -	\$	\$
Total	\$ 3,750	\$ 3,750

Michael M. Adams
Department Head Signature

3/22/07
Date

[Signature]
Administrator's Signature

3/23/07
Date

Finance Department
Entered:
By:

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

Budget Adjustment #

Posting Number

OTSEGO COUNTY
ORDINANCE NUMBER: 07-01

AN ORDINANCE TO AMEND THE TEXT OF THE OTSEGO COUNTY ZONING ORDINANCE ARTICLE 2 "DEFINITIONS" SECTION 2.2 "KENNEL, COMMERCIAL" AND ARTICLE 18 "SPECIFIC REQUIREMENTS FOR CERTAIN USES" SECTION 18.45 "VETERINARY HOSPITAL, CLINIC, KENNEL" BY CHANGING THE DEFINITION OF KENNELS AND BY ADDING ADDITIONAL REGULATIONS FOR KENNEL OPERATIONS TO PROMOTE THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE COUNTY.

OTSEGO COUNTY, STATE OF MICHIGAN ORDAINS:

Section 1. The text of the Otsego County Zoning Ordinance Article 2 "Definitions" Section 2.2 "Kennel, Commercial" is hereby amended to read as follows:

KENNEL: A kennel is a use that includes indoor or outdoor facilities for the boarding, for profit, of dogs or other household pets which are owned by others as a commercial business.

Section 2. The text of the Otsego County Zoning Ordinance Article 18 "Specific Requirements for Certain Uses" Section 18.45 "Veterinary Hospital, Clinic, Kennel" is hereby amended to read as follows:

SECTION 18.45 VETERINARY HOSPITALS, KENNELS

Veterinary hospitals and indoor kennels may be permitted by right in the B2, B3, AR & FR Districts provided all of the criteria noted in Section 18.45.2 are complied with.

18.45.1 Outdoor Kennels

Special Use Permits may be granted by the Planning Commission for outdoor kennels in the B2, B3, AR, and FR Zones.

- 18.45.1.1 Minimum site size of 10 acres.
- 18.45.1.2 Facility shall be located at least 500 feet from the appropriate district boundary or any off-premises residence.
- 18.45.1.3 Documentation must be provided, by the applicant, to demonstrate that the County Animal Control Director has approved compliance with State and Local Animal Control and Health Regulations.

18.45.2 Veterinary Hospitals and Indoor Kennels

- a. Veterinary Hospitals shall have a minimum lot size of one and one-half (1.5) acres.
- b. Indoor Kennels shall have a minimum lot size of Ten (10) acres.
- c. For both Veterinary Hospitals and Indoor Kennels buildings in which animals are kept, runs, and/or exercise areas shall be set back at least 100 feet from all lot lines.
- d. For both Veterinary Hospitals and Indoor Kennels documentation must be provided, by the applicant, to demonstrate that the County Animal Control Director has approved compliance with State and Local Animal Control and Health Regulations.

Section 3. Validity.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 4. Effective Date.

This Ordinance shall become effective eight (8) days after its first publication.

OTSEGO COUNTY

By: _____
Kenneth R. Glasser, County Board Chairman

By: _____
Susan I. DeFeyter, County Clerk

March 21, 2007

MEMORANDUM

TO: Kenneth R. Glasser, Chairman Otsego County Board of Commissioners

FROM: Richard Edmonds, Director of Land Use Services

SUBJ: Zoning Ordinance Text Amendment

The purpose of this memo is to provide the County Board of Commissioners with the Recommendation of the County Planning Commission regarding the following Zoning Ordinance Text Amendment.

GENERAL INFORMATION

In 2006 following nuisance complaints involving barking dogs and other similar animal complaints it was noted that the Zoning Department and the Animal Control Department were covering the same territory. At the request of the Animal Control Department Director, the Planning Commission began a review of the zoning regulations regarding Kennel Operations. The Planning Commission met with the Animal Control Director and questioned the Zoning Enforcement Officer regarding animal complaint issues.

Following meetings with the Animal Control Director the Planning Commission determined that the Zoning Ordinance was "invading" territory that was more properly enforced by the Animal Control Department. The Planning Commission reviewed the zoning ordinance with the goal of controlling only the business use of operations associated with animals.

The first issue the Planning Commission dealt with was to better define a Commercial Kennel. The current zoning ordinance defines a kennel as any property where 3 or more dogs are kept. Based on the advice of the Animal Control Director the Planning Commission drafted a proposed definition that eliminated the focus on the number of dogs owned or kept on a property, and placed the focus on the commercial aspect of the operation.

Once the definition of a Kennel was established the Planning Commission reviewed the regulations that were placed on kennels. It was noted that outdoor kennels were sufficiently regulated, however, there were no regulations for indoor kennels. The Planning Commission draft ordinance provided new regulations stating that an indoor kennel should be required to have at least 1.5 acres of land and be set back 100' from lot lines.

The Planning Commission held a public hearing to obtain comments on the proposed ordinance amendment. At the public hearing citizen comment was received stating that indoor kennels should be regulated the same as outdoor kennels. The Planning Commission tabled further action on the amendment so that there could be continued discussion. The Planning Commission reviewed the proposed amendment for another three months and after additional citizen comment and review the Commission recommended that the ordinance be adopted by the County Commissioners as the definition for Commercial Kennels and for the regulations for Kennels. It should be noted that Indoor Kennels, while permitted uses by right, have the same set back and lot size requirements as Outdoor Kennels.

In February this was reviewed by the County Board of Commissioners, Animal Control Sub-committee, the Animal Control Committee referred the ordinance back to the Planning Commission so that the ordinance would require that the applicant for a kennel zoning permit would be required to provide documentation of approval from the local Animal Control Department and the Health Department. On March 19 the Planning Commission amended the ordinance and passed a motion to recommend that the County Board of Commissioners adopt the proposed ordinance to amend the definition of Commercial Kennels and to amend the regulations for Kennels found in Section 18.45