

April 13, 2010

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 Ken Glasser. Invocation by Chairman Ken Glasser, followed by the Pledge of Allegiance led by Finance Director Rachel Frisch.

Roll call:

Present: Clark Bates, Paul Beachnau, Paul Liss, Robert Harkness, Erma Backenstose, Ken Glasser, Doug Johnson, Mike Hyde, Bruce Brown.

Motion by Commissioner Clark Bates, to approve the regular minutes of March 23, 2010 with attachments. Ayes: Unanimous. Motion carried.

Department Head Report:

Kyle Legel updated the Board on the Prosecutor's office.

Human Resources update was postponed.

Committee Reports:

Motion by Commissioner Paul Liss, to approve the FY 2010 Section 5311 Operating Agreement with MDOT. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Paul Beachnau, to discontinue the Otsego County Recycling program with any uncommitted funds being returned to the General Fund Contingency and to continue the Agreement with the Otsego Conservation District to provide recycling education. Ayes: Unanimous. Motion carried.

Randy Stults reported on the Planning Commission.

Correspondence:

Chairman Ken Glasser received a notice from MSU; Public Notice from NEMCOG.

Commissioner Doug Johnson received a letter from MMRMA.

New Business:

Motion by Commissioner Erma Backenstose, to approve the March 30, 2010 Warrant in the amount of \$384,213.51 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Bruce Brown, to approve the April 6, 2010 Warrant in the amount of \$23,159.29 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Mike Hyde, to approve the April 13, 2010 Warrant in the amount of \$34,843.10 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Robert Harkness, to adopt Resolution OCR-10-14 in support of the Wolverine Clean Energy Venture Permit. A motion to amend above motion by Commissioner Clark Bates, to amend the date on the first RESOLVED paragraph to read April 13, 2010. Vote of amendment-Unanimous.

Roll Call Vote on amended Resolution:

Ayes: Clark Bates, Paul Beachnau, Paul Liss, Robert Harkness, Erma Backenstose, Ken Glasser, Doug Johnson, Mike Hyde, Bruce Brown.

Nays: None.

Motion carried/ Resolution adopted as amended. (see attached)

Motion by Commissioner Doug Johnson, to proceed with the Otsego Lake County Park bathroom remodeling project, using the lowest qualified bidder. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Clark Bates, to approve the low bid from Sanborn for the digital orthophotography in the amount of \$37,235 to include the base bid, Option 1 and Option 2. Ayes: Unanimous. Motion carried.

Board Remarks:

Commissioner Erma Backenstose: Recycling.
MAC meeting.

Commissioner Robert Harkness: Airport Committee.

Commissioner Mike Hyde: Possible animal control buildings.

Commissioner Doug Johnson: Parks and Recreation meeting.

Motion by Commissioner Ken Glasser, to request the Planning Commission revisit the sign ordinance regarding flashing signs. Particularly rate of change of messages. A motion to amend above motion by Commissioner Robert Harkness to include a review of signage size. Vote on amendment-unanimous, Vote on amended motion-unanimous. Motion carried as amended.

Motion by Commissioner Ken Glasser, to have the Criminal Justice Committee review establishing a Friend of the Court citizens oversight/review board. Ayes: Bruce Brown, Paul Beachnau, Paul Liss, Doug Johnson, Clark Bates, Ken Glasser. Nays: Mike Hyde, Robert Harkness, Erma Backenstose. Motion carried.

Chairman Ken Glasser: NEMSCA.
Thunder over Waters fundraiser April 18, 2010.
Volunteer Fundraiser April 17, 2010.

Public Comment:

Denise Pallorito announced on April 27, 2010 GOP meeting at Marsh Ridge at 6:00 p.m. featuring meet the Candidates that are running for the 105th District. Mike Cox will be at the Sportsplex April 14, 2010 from noon to 1:30.

Mary Jorgenson reported on the Volunteer Fundraiser.

Meeting adjourned at 10:43 a.m. at the call of the Chair.

Kenneth R. Glasser, Chairman

Susan I. DeFeyter, Otsego County Clerk

Date: January 25, 2010
Agreement No.: 2007-0276
Authorization No.: Z10
Project No.: 109403
Agenda: SAB



**PROJECT AUTHORIZATION
OTSEGO COUNTY BOARD OF COMMISSIONERS
FY 2010 SECTION 5311 OPERATING
ARRA NONURBANIZED AREA FORMULA**

This information is required by the Michigan Department of Transportation (MDOT) in order to record agreement of utilization of funds provided by the Federal Transit Administration, United States Department of Transportation and MDOT. The funds provided shall be used by the AGENCY in accordance with the above referenced Master Agreement.

Authorization Effective Date: October 1, 2009
Authorization Expiration Date: September 30, 2010
Fiscal Year of Effective Contract Clauses: 2010

The Federal Grant associated with the PROJECT AUTHORIZATION is MI-86-X002.

Grant Year: 2010 Federal Item Number: WK0051 Project is not R&D.

The Catalog of Federal Domestic Assistance Number for the Federal Transit Administration Formula Grants for Other Than Urbanized Areas Program is 20.509.

Funding reflects the amount of funds currently available under the Federal Appropriation. If additional funds become available, a grant amendment and revised project authorization will be prepared.

Payments to the AGENCY under this PROJECT AUTHORIZATION will be based on 2.5% of the budgeted estimated eligible costs, which are \$39,244. Payment will be made upon execution of this project authorization. There will not be a reconciliation of these funds based on the annual operating assistance report. This payment language replaces language in Sections 14 and 27 of the Master Agreement.

In accordance with Section 7 of the Agreement, the dollar amount for third party contracts as identified in COMMISSION policy is \$25,000. All agencies who are not self-certified must submit third party contracts over \$25,000 to MDOT for approval. Please refer to Section 7 in the Master Agreement for competitive bidding requirements.

The AGENCY will be financially and legally responsible for the terms and conditions of the 5333(b) labor warranty as agreed to in your annual application.

The AGENCY agrees to prepare and furnish to MDOT quarterly operating assistance reports via the Public Transportation Management System (PTMS). Instructions on preparing the report are available in the "Local Public Transit Revenue and Expense Manual" (October 1, 2009, through September 30, 2010). The manual is available on the web at www.michigan.gov/mdotptd.

American Recovery and Reinvestment Act (ARRA) Provisions

Reporting

To ensure that the DEPARTMENT meets the requirements of the American Recovery and Reinvestment Act (ARRA) of 2009 each AGENCY is required to submit financial, milestone and employment information quarterly. Failure to comply with the reporting requirements under ARRA will jeopardize the DEPARTMENT'S continued receipt of ARRA funding. Accordingly, if an AGENCY fails to comply with ARRA reporting requirements, the DEPARTMENT may withhold payments until compliance is achieved. If the DEPARTMENT is compelled to incur costs because of such a breach, the amount of those costs may be deducted from payments otherwise to be made under this project authorization.

Segregation of Costs

The AGENCY shall segregate obligations and expenditures of ARRA funds from other funding. No part of funds made available under ARRA may be commingled with any other funds or used for a purpose other than that of making payments for costs allowable under the ARRA.

Timely Expenditure of Funds

The timely delivery of ARRA projects is critical. The expectation is that all funds will be obligated within a year. If funds are not obligated within two years, the DEPARTMENT may deobligate the funds. The DEPARTMENT will not approve an extension of the project authorization if funds are not obligated within two years.

Publication

The AGENCY shall include the recovery logo on all signage or other publications in connection with the activities funded by ARRA. Guidance will be provided by the DEPARTMENT.

Buy Michigan Preference

A preference shall be given to products manufactured or services offered by Michigan-based firms if all other things are equal and if consistent with federal statute.

Prohibition on Use of Funds

None of the funds made available under this contract may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pools or similar projects.

Funding of Programs

Programs supported with temporary federal funds made available by ARRA will not be continued with state financed appropriations once the temporary federal funds are expended.

Conflicting Requirements

Where ARRA requirements conflict with existing state requirements, ARRA requirements control.

Job Opportunity Posting Requirements

The AGENCY shall post notice of job opportunities created in connection with activities funded in whole or in part with ARRA funds in the Michigan Talent Bank, www.michworks.org/mtb.

Whistle Blower Protection for Recipients of Funds

The AGENCY shall not discharge, demote or otherwise discriminate against an employee for disclosures by the employee that the employee reasonably believes are evidence of: 1) gross mismanagement of a contract or grant relating to Covered Funds; 2) a gross waste of Covered Funds; 3) a substantial and specific danger to public health or safety related to the implementation or use of Covered Funds; 4) an abuse of authority related to implementation or use of Covered Funds; or 5) a violation of law, rule, or regulation related to an AGENCY contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to Covered Funds. In this Subsection, "Covered Funds" shall have the same meaning as set forth in Section 1553(g)(2) of Division A, Title XV of the ARRA.

- a. The AGENCY must post notice of the rights and remedies available to employees under Section 1553 of Division A, Title XV of the ARRA. A poster can be found at: <http://www.recovery.gov/sites/default/files/Whistleblower+Poster.pdf>
- b. The AGENCY shall include the substance of this clause including this paragraph (b) in all subcontracts.

Inspection of Records

The AGENCY shall permit the United States Comptroller General or his representative or the appropriate inspector general appointed under Section 3 or 8G of the Inspector General Act of 1998 or his representative to: 1) examine any records that directly pertain to, and involve transactions relating to, this contract, and 2) interview any officer or employee of the AGENCY or any of its subcontractors/subgrantees regarding the activities funded with funds appropriated or otherwise made available by the ARRA.

Integrity

The AGENCY agrees that all data it submits to the DEPARTMENT in compliance with ARRA will be accurate, objective, and of the highest integrity.

Subrecipient Requirements

The AGENCY shall include these terms, including this requirement, and applicable Contract Clauses in any of its subcontracts or subgrants in connection with projects funded in whole or part with funds available under ARRA.

Further Requirements

The AGENCY agrees to comply with applicable future Federal requirements that may be imposed on the use of ARRA funds.

Funding source:

2009/75099 \$39,244 (F)

PRF No.: 2010-233

OTSEGO COUNTY BOARD OF COMMISSIONERS



Signature

Print Name and Title

Signature

Print Name and Title

MICHIGAN DEPARTMENT OF TRANSPORTATION

Title: Bureau Director
Bureau of Passenger Transportation

OCR 10-14
Support for Wolverine Clean Energy Venture Permit

Otsego County Board of Commissioners
April 13, 2010

WHEREAS, Wolverine Power Cooperative is a non-profit company that distributes electricity to its six-member/owner power co-ops in Michigan; and

WHEREAS, Wolverine currently purchases the bulk of its power from DTE and resells it to its member companies, who in turn resell it to customers who often live in rural parts of Michigan; and

WHEREAS, Wolverine's supply contract expires in 2012 and is not assured of a cost effective source of power after the contract expiration; and

WHEREAS, Wolverine submitted a permit application in 2007, under the project name of Wolverine Clean Energy Venture, to construct a 600-megawatt clean-coal power plant in Rogers City, Michigan at the site of a 100 year-old limestone quarry which will provide the material that will allow the plant to exceed all current emission standards; and

WHEREAS, the Air Quality Division of the Michigan Department of Natural Resources and Environment (MDNRE) has yet to issue the Permit to Install; and

WHEREAS, Northeast Michigan has historically experienced extremely high rates of unemployment and underemployment; and

WHEREAS, the Wolverine project would create 100 permanent full-time jobs at the power plant, 325 jobs in support businesses, and 1,500 construction jobs during the five-year construction period; and

WHEREAS, Wolverine, in partnership with Dow Chemical, Hitachi, Western Michigan University, and Core Energy applied for and received a \$2.5 million Federal grant to develop the engineering for carbon sequestration technology; and

WHEREAS, there is now an additional \$150 million grant available for the actual construction of the carbon capture facility; and

WHEREAS, the deadline for applying for the grant is April 15, 2010; now, therefore, be it

RESOLVED, that the Otsego County Board of Commissioners encourages the MDNRE to approve the Wolverine Clean Energy Venture application and issue the Permit to Install by April 13, 2010; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Jennifer Granholm, Senator Tony Stamas, Representative Kevin Elsenheimer, and the Director of the Michigan Department of Natural Resources and Environment, for their consideration.