

May 23, 2006

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 Beachnau. Invocation by Commissioner Glasser, followed by the Pledge of Allegiance led by Commissioner Bentz.

Roll call:

Present: Backenstose, Bates, Beachnau, Liss, Olsen, Glasser, Johnson, Hyde, Bentz.

The minutes of the Regular Meeting of May 9, 2006 were approved as presented.

Consent Agenda:

Item A the City-Airport Water/Sewer agreement and item B the well easement to the Gaylord City were moved under new business as items F&G.

The City-Fairgrounds Water/Sewer agreement and the Road Commission easement were approved as present via unanimous consent.(see attached)

The Parks & Recreation moves to approve fund 208 budget amendment as presented. Motion carried by unanimous consent. (see attached)

Administrator's report:

John Burt reported that the Alpine Center 3rd floor is progressing; Building and Grounds meeting; Management Team meeting for department heads on June 7, 2006; Attending an Administrator's Conference.

Elizabeth Haus reported the Village is having a Pigeon River Festival car show on August 19th.

Correspondence:

The Chairman received a letter from the Lake State Railway Company regarding the crossing at Dickerson Road. Also received a letter from the Michigan Association of Counties regarding dissolving the Road Commission.

Special Presentations:

The Otsego Conservation District presented the Board with their accomplishment report.

New Business:

Motion by Commissioner Johnson, to approve Warrant B2006-20 in the amount of \$165,583.84 with prepaids in the amount of \$346,584.54 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Olsen, to approve Warrant B2006-21 in the amount of \$157,615.89 with prepaids in the amount of \$40,186.45 as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Hyde, to approve the Northern Michigan Mutual Aid Reciprocal Law Enforcement Agreement as presented.

Motion by Commissioner Bates, to adopt the Otsego County Safety Boot Allowance policy as presented. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Glasser, to repeal OCR-05-36 and adopt OCR-06-21, I-75 Crossings Ballot issue as presented.

Roll Call Vote:

Ayes: Backenstose, Bates, Beachnau, Liss, Olsen, Glasser, Johnson, Hyde, Bentz.

Nays: None.

Motion carried/Resolution adopted. (see attached)

Motion by Commissioner Backenstose, to approve OCR-06-22 authorizing the ballot language for a Millage proposition for the August 8, 2006 Primary Election to construct, furnish, equip and to pay for operating costs of a new jail in the County of Otsego.

Roll Call Vote:

Ayes: Backenstose, Bates, Beachnau, Liss, Olsen, Glasser, Johnson, Hyde, Bentz.

Nays: None.

Motion carried/Resolution adopted. (see attached)

Motion by Commissioner Bentz, to approve Otsego County Ordinance #4 Text amendment as presented. Ayes: Unanimous. Motion carried. (see attached)

The City-Airport water/sewer agreement and the well easement were approved via unanimous consent. (see attached)

Public Comment:

Richard Meyer addressed the Board regarding the Pierobon residential air park.

Daphne Cousineau addressed the Board regarding the Jail Millage.

Rudi Edel commented on the Jail Millage.

Richard Edmonds announced there is a Intermunicipality citizen forum meeting tonight at 6:00 p.m. at the University Center.

Board Remarks:

Commissioner Glasser: Thanked the Michigan Works and the Economic Alliance for their help with the Georgia-Pacific employees after the plant closing.

Commissioner Johnson: Attended the MMRMA meeting.
Attended the Michigan Association of Counties workers compensation meeting.

Commissioner Hyde: Thanked the M-Tec Center for their help with the Georgia-Pacific employees.
Memorial Day Service to be held on Monday May 29th at 10:00 a.m.

Commissioner Olsen: Attended S.A.N.E meeting.
Attended John Jenkins retirement party on May 20th.

Commissioner Backenstose: Attended MTA Meeting.
Requests meetings to be set up at various locations to address the Jail Millage.

Commissioner Beachnau: Attended Livingston Township meeting.

Motion by Commissioner Johnson, to enter into closed session under provisions of Act 267 of 1976 Section 8 (c), discussion of a collective bargaining agreement.

Roll Call Vote:

Ayes: Bates, Beachnau, Liss, Olsen, Glasser, Johnson, Hyde, Bentz, Backenstose.

Nays: None.

Motion carried.

Morning recess at 11:00 a.m.

Entered into closed session at 11:09 a.m.

Returned to open session at 11:12 a.m.

Motion by Commissioner Liss, to ratify the tentative agreement with the Otsego County Sheriff's Department Employees, Chapter of Local #1534 and Council #25, American Federation of State, County, and Municipal Employees, AFL-CIO. Ayes: Unanimous. Motion carried.

Motion by Commissioner Olsen, to double the normal soil erosion fees for projects that have begun before permits have been applied for and approved. Ayes: Unanimous. Motion carried.

Meeting adjourned at 11:15 a.m. at the call of the Chair.

Paul M. Beachnau, Chairman

Susan I. DeFeyter, County Clerk

**AGREEMENT TO PROVIDE
WATER AND SEWER SERVICES**

THIS Agreement To Provide Water And Sewer Services made the ____ day of _____, 2006, by and between the **City of Gaylord**, a Michigan municipal corporation, whose address is 225 West Main Street, Gaylord, Michigan 49735 (hereinafter "City"), and the **County of Otsego**, a Michigan municipal corporation, whose address is 225 West Main Street, Gaylord, Michigan (hereinafter "County").

Witnesseth

WHEREAS, City has heretofore for a period of years provided municipal water service to County to service the terminal building at the Gaylord Regional Airport, formerly known as the Otsego County Airport, pursuant to a resolution of each governmental body in May of 1976; and

WHEREAS, the agreement, pursuant to the resolutions of the respective governmental bodies of City and County, provided for the provision of such services for a period of thirty (30) years, which period is due to expire in May, 2006; and

WHEREAS, County wishes to continue to receive municipal water service and potentially municipal sanitary sewer service from City and City is willing to provide such services on the terms and conditions hereinafter set forth; and

WHEREAS, the parties have agreed to the conditions and basis upon which City will make the said utility services available to County owned facilities at the Gaylord Regional Airport; and

WHEREAS, the execution of this Contract has been approved by the respective governmental bodies of City and County.

NOW THEREFORE, It Is Agreed between City and County as follows:

1. City will continue to provide municipal water service to County for use at the Gaylord Regional Airport to service County owned facilities, and any fire hydrant currently being serviced at the Otsego County Airport property.

2. City will and does hereby grant County the right to connect to the City's sanitary sewer system for the purpose of servicing County owned facilities at the Gaylord Regional Airport property.

3. The entire cost of installing any lines, lift stations, or any other appurtenances, equipment or material necessary or advisable to establish any water or sanitary sewer service shall be paid solely by County.

4. For so long as County receives either water or sanitary sewer service from City pursuant to this Contract, County shall pay twice the normal rate for such services as determined pursuant to City Ordinance.

5. County agrees that the City water and sanitary sewer services shall not be connected to or used to service any non-County owned buildings or locations. Furthermore, the services will be provided to any buildings only for so long as those buildings are owned and used exclusively for airport purposes.

6. This Contract shall remain in force and effect for a period of thirty (30) years from and after the date hereof unless earlier terminated or extended.

7. During the term of this Contract and for so long as City is providing water or sanitary sewer services to County pursuant hereto, City shall have the right, through its employees or designated representatives, to enter onto the County property for the purpose of inspection, testing and other related matters.

8. Prior to the extension of the City's sanitary sewer service to the County property pursuant to this Agreement, County shall obtain the written consent of Bagley Township for the extension of such sanitary sewer services. Such consent from Bagley Township shall be in the form of a written resolution of the Township governing body.

9. Any breach of this Agreement by County shall give City the right to terminate this contract after giving County written notice of the claimed breach followed by the failure of the County to cure such breach within thirty (30) days after the date of such notice.

IN WITNESS WHEREOF, the parties have executed this Agreement To Provide Water And Sewer Services the day and year first above written.

CITY OF GAYLORD, a Michigan
municipal corporation

Kathy Franckowiak
Witness

Jack E. D.M.
Witness

Kathy Franckowiak
Witness

Jack E. D.M.
Witness

By: Gladys Solokis
Gladys Solokis
Its: Mayor

By: Rebecca Curtis
Rebecca Curtis
Its: Clerk

COUNTY OF OTSEGO, a Michigan
municipal corporation

Witness

Witness

By: _____

Its: _____

COUNTY OF OTSEGO, a Michigan
municipal corporation

Witness

Witness

By: _____

Its: _____

CONTRACT TO PROVIDE
WATER AND SEWER SERVICES

THIS Contract To Provide Water And Sewer Services made the ____ day of _____, 2006, by and amongst the **City of Gaylord**, a Michigan municipal corporation, whose address is 225 West Main Street, Gaylord, Michigan 49735 (hereinafter "City"), the **County of Otsego**, a Michigan municipal corporation, whose address is 225 West Main Street, Gaylord, Michigan (hereinafter "County"), **Livingston Township**, a Michigan municipal corporation, whose address is 3218 North Old 27, Gaylord, Michigan 49735 (hereinafter "Township"), and the **Otsego County Fair Association**, a Michigan non-profit corporation, whose address is Post Office Box 500, Gaylord, Michigan 49735 (hereinafter "Fair").

Witnesseth

WHEREAS, County and Fair desire that the municipal water and sanitary sewer services of City be made available for use at certain real property as hereinafter described; and

WHEREAS, City is willing to make such services available on the terms and conditions herein set forth; and

WHEREAS, Township is agreeable that City may provide such services to the said property lying within the jurisdictional limits of Township; and

WHEREAS, the parties have agreed to the conditions and basis upon which City will make the said water and sanitary sewer services available to the property hereinafter described for use by Fair at said property; and

WHEREAS, the execution of this Contract has been approved by the respective governing bodies of City, County and Township and by the governing body of Fair.

NOW THEREFORE, It Is Agreed as follows:

1. City does hereby grant to Fair the right to connect to the City's sanitary sewer system and potable water system for the purpose of servicing any buildings or improvements located on that certain real property situated in Livingston Township, Otsego County, Michigan, described as:

That part of the North ½ of the Northwest ¼ of the
Northeast ¼ East of Railroad and the North ½ of the
Northeast ¼ of the Northeast ¼ except the East 620
feet, Section 33, Town 31 North, Range 3 West.

2. The entire cost of installing any lines, lift stations, or any other appurtenances, equipment or material necessary or advisable to establish any water or sanitary sewer service shall be paid solely by either County or Fair.

3. Fair may make the connections to the said water system or the said sanitary sewer system at such time as determined in the sole discretion of Fair.

4. For so long as City water or sanitary sewer services are being provided pursuant to this Contract, Fair shall pay twice the normal rate for such services as determined pursuant to City Ordinance. Further, Fair shall pay any and all other charges or fees provided for by City Ordinance.

5. This Contract shall remain in force and effect for so long as the property described and being serviced or to be serviced pursuant hereto is used for Fair or other governmental purposes. At such time as the property is no longer so used, the City may, in City's sole discretion, discontinue providing services to this property.

6. During the term of this Contract and for so long as City is providing water or sanitary sewer services to the property above described, City shall have the right, through its employees or designated representatives, to enter onto the said property for the purpose of inspection, testing and other related matters.

7. Township does, by its execution of this contract, consent to the extension of said water and sanitary sewer services to the property above described.

8. Any breach of this Contract by Fair or County shall give City the right to terminate this contract after giving the breaching party written notice of the claimed breach, followed by the failure of said party to cure such breach within thirty (30) days after the date of such notice.

IN WITNESS WHEREOF, the parties have executed this Contract To Provide Water And Sewer Services the day and year first above written.

CITY OF GAYLORD, a Michigan municipal corporation

Kathy Franckowiak
Witness

John P. [Signature]
Witness

Kathy Franckowiak
Witness

John P. [Signature]
Witness

By: Gladys Solokis
Gladys Solokis
Its: Mayor

By: Rebecca Curtis
Rebecca Curtis
Its: Clerk

COUNTY OF OTSEGO, a Michigan municipal corporation

[Signature]
Witness

Witness

Witness

Witness

By: _____

Its: _____

By: _____

Its: _____

**TOWNSHIP OF LIVINGSTON, a Michigan
municipal corporation**

Maureen Hayes
Witness

Judith [unclear]
Witness

[unclear]
Witness

Kathy Francowiak
Witness

By: Nancy J. Bush
Its: Supervisor

By: Elizabeth Moxon
Its: Clerk

**OTSEGO COUNTY FAIR ASSOCIATION,
a Michigan non-profit corporation**

Denise Lapinski
Witness

Lynn M. [unclear]
Witness

Cynthia Puskas
Witness

Stirley L. Bates
Witness

By: Donna [unclear]
Its: President

By: Engel [unclear]
Its: Vice President

GRANT OF EASEMENT FOR WATER WELL

For a good and valuable consideration, the receipt and sufficiency of which is acknowledged, the **County of Otsego**, a Michigan municipal corporation, whose address is 225 West Main Street, Gaylord, MI 49735 (Grantor herein) does hereby grant, convey, assign and transfer unto the **City of Gaylord**, a Michigan municipal corporation, of 225 West Main Street, Gaylord, MI 49735, (Grantee herein) a permanent, perpetual and exclusive easement for the maintenance, construction, placement, repair, replacement and use of a water well to produce water for the Grantee's municipal water system, and for the placement, construction, maintenance, repair, replacement and use of related appurtenances and facilities upon, across and under that certain real property situated in the Township of Bagley, Otsego County, Michigan, described as:

A 200' Radius Easement for Water Well purposes described as Commencing at the NE corner of Section 8, T30N-R3W, Bagley Twp., Otsego County, Michigan; thence S00°16'27"E 549.60' along the East-line of said Section 8; thence S89°43'33"W 220.82' to the Center of said 200' Radius Easement.

The Grantor covenants and agrees that it shall not hereafter do, cause or permit to be done any act or omission upon the property above described that would in any way interfere with the Grantee's use of the property for the purposes stated herein.

The Grantor does warrant to the Grantee that the Grantor is the fee simple title holder of the property above-described and has the right and authority to convey this easement.

IN WITNESS WHEREOF IN WITNESS WHEREOF, this Grant Of Easement is executed by the undersigned on the ____ day of _____, 2006.

COUNTY OF OTSEGO, a Michigan
municipal corporation

By: _____

Its: _____

Witness

Witness

Proj. No. 84979A
~~Old 27 North At Livingston Blvd~~
Parcel No. ~~080-027-300-005-00~~

STATE OF MICHIGAN
BOARD OF COUNTY ROAD COMMISSIONERS OF THE COUNTY OF OTSEGO
HIGHWAY EASEMENT

For and in consideration of the sum of mutual benefits dollar(s) and the improvement of Old 27 @ Livingston Road and other valuable consideration, the receipt whereof is hereby confessed and acknowledged, the undersigned County Of Otsego
225 W. Main Street
Gaylord, MI 49735

hereby grant and convey to the Board of County Road Commissioners of the County of Otsego, State of Michigan, whose address is 669 W. McCoy Road, Gaylord, Michigan 49735, an easement for highway purposes, in, over, and upon the parcels of land described as:

A twenty (20) foot wide strip of land in Section 27, T31N-R3W, Livingston Township, Otsego County, Michigan, and further described as commencing at the West 1/4 corner of said Section 27, thence S01°01'03"W, 2013.25' along the West line of said Section 27, thence N86°53'27"E, 100.21'; thence N01°01'03"E, 40.00' to the Point Of Beginning; thence continuing N01°01'03"E, 20.00'; thence N86°53'27"E, 28.00'; thence S01°01'03"W, 20.00'; thence S86°53'27"W, a distance of 28.00' to the Point Of Beginning of this easement.

AND

A twenty (20) foot by twenty five (25) foot triangular strip of land described as commencing at the West 1/4 corner of said Section 27, T31N-R3W, thence S01°01'03"W, 2013.25' along the West line of said Section 27, thence N86°53'27"E, 100.21'; thence S01°01'03"W, 40.03' to the Point Of Beginning, thence N86°53'27"E, 25.10'; thence S47°7'16"E, 32.36', thence N01°01'03"E, 20.04' to the Point Of Beginning of this easement.

All existing fences thereon will be moved to the new right of way line by the grantee at the expense of the grantee.

The grantors hereby warrant that they are the fee owners of the above lands over which the easement is conveyed and that they have the authority to make this conveyance.

This conveyance includes the consent of the grantors to the removal at any time of such trees, shrubs and vegetation in the right of way as, in the judgement of the Board of County Road Commissioners, is necessary to the construction and maintenance of the highway, further notice of such removal being hereby expressly waived.

The grantors covenant and agree for themselves, their heirs, executors, administrators, successors and assigns, that no bill board, sign board or advertising device, shall be by us erected, permitted or maintained in or upon the Right of Way as described herein. This covenant is hereby declared to a perpetual covenant and shall be construed as a real covenant attached to and running with the land.

This covenant includes a release of any and all claims to damage arising from or incidental to the altering, widening, draining, and improving of the road and the location thereof in, over, and upon the land hereby conveyed to the Board of County Road Commissioners.

Witness our hands and seals this _____ day of _____ A.D. 20____
Signed, Sealed and Delivered in Presence of:

_____	WITNESS	_____ (L.S.)
*		* GRANTOR
_____	WITNESS	_____ (L.S.)
*		* GRANTOR
_____	WITNESS	_____ (L.S.)
*		* GRANTOR
_____	WITNESS	_____ (L.S.)
*		* GRANTOR

State of Michigan, County of _____ ss

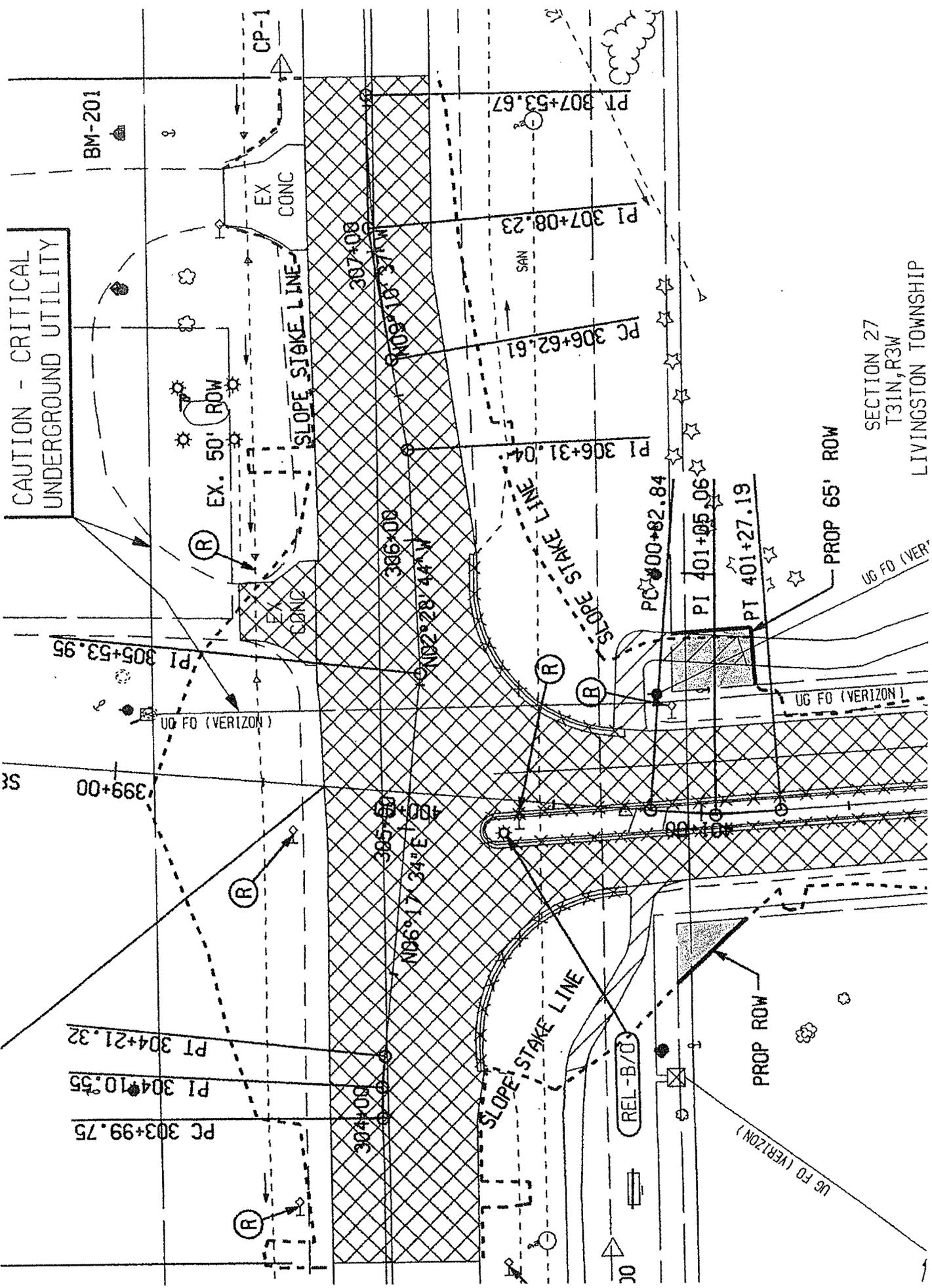
On this _____ Day of _____ A.D. 20____, before me, the undersigned, personally appeared _____ and _____ to me known to be the persons who executed the foregoing release and severally acknowledged the same to be their free act and deed.

Drafted by: Tom Deans, P.E.
Address: Otsego County Road Commission
P.O. Box 537
Gaylord, MI 49734-0537

Notary Public _____ County, Michigan
Acting in _____ County, Michigan
My Commission Expires _____

*PRINT, TYPEWRITE OR STAMP names of persons executing this instrument, also names of the Witnesses and Notary Public immediately underneath such Signatures.
File: Highway Easement.kmm.doc

CAUTION - CRITICAL UNDERGROUND UTILITY



BM-201

CP-1

EX. 50' ROW

SLOPE STAKE LINE

SAN

PT 307+08.23

PC 306+62.61

PI 306+31.04

PC 400+82.84

PI 401+05.06

PT 401+27.19

PROP 65' ROW

UG FO (VERIZON)

UG FO (VERIZON)

SC

399+00

PI 305+53.95

UG FO (VERIZON)

PT 304+21.32

PI 304+10.55

PC 303+99.75

304+00

305+00

306+00

307+00

308+00

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311+00

312+00

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OTSEGO COUNTY BUDGET AMENDMENT

FUND/DEPARTMENT: Parks & Recreation

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
208E751 - 726050 -Repairs & Maintenance	\$	\$ 2,000
208E751 - 703070 -Overtime	\$ 2,000	\$
- -	\$	\$
208E752 - 726050 -Repairs & Maintenance	\$	\$ 2,000
208E752 - 726040 -Supplies, recreational	\$	\$ 1,000
208E752 - 703070 -Overtime	\$ 3,000	\$
Total	\$ 5,000	\$ 5,000

Muel T...
Department Head Signature

5-11-6
Date

Finance Department
Entered:
By:

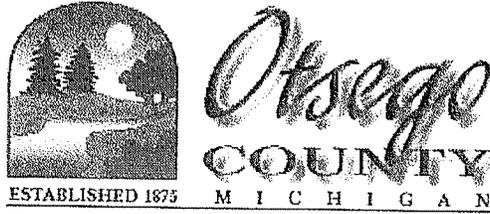
Administrator's Signature

Date

Board Approval Date (if necessary)

Budget Adjustment #

Posting Number



SAFETY BOOT ALLOWANCE POLICY

Adopted: May 23, 2006

Regular full-time and regular part-time employees that are in the following job classifications which require steel-toed safety boots: Building and Grounds Maintenance, Airport Maintenance, Parks and Recreation Community Center Monitors and Parks Rangers (excludes seasonal employees), Bus Maintenance, Bus Mechanics, Building Inspectors, and Jail Cooks are eligible for reimbursement up to \$50.00 annually for the purchase of steel-toed safety boots with submission of receipts through the normal expense reimbursement procedure. Positions that are already covered by a uniform, clothing or equipment allowance are not eligible for the safety boot allowance.

Effective Date: Effective for calendar year 2006

RESOLUTION NO. OCR 06-21
I-75 Crossings Ballot Issue

WHEREAS, a task force has been meeting in our community for the last two (2) years attempting to address traffic congestion at I-75 and M-32; and

WHEREAS, community participation has included members and public officials representing the Otsego County Board of Commissioners, Otsego County Road Commission, Bagley Township, Livingston Township, City of Gaylord, Northeast Michigan Council of Governments (NEMCOG), and the Michigan Department of Transportation (MDOT) and other interested parties; and,

WHEREAS, this task force has been successful in attaining funding for two (2) overpasses at VanTyle Road to Wisconsin Avenue and Milbocker Road to McCoy Road along with an interchange at the Milbocker Road and McCoy Road location in the amount of \$12-million earmarked in the Federal Budget to go to MDOT for funding this project; and

WHEREAS, this funding needs to be spent within 5-years and amounts to 90% of the projected cost of this major street (infrastructure) improvement; and

WHEREAS, the community has supported by official resolutions that crossings of I-75 at these two locations are desired and will have the effect of relieving traffic congestions at the I-75 and M-32 interchange and reestablish roadways to better serve all the businesses and residents of Otsego County; now, therefore be it

RESOLVED, that the Otsego County Board of Commissioners do hereby agree to place the following language, as hereby attached, on the ballot of the August 8, 2006, primary election to let voters decide whether to levy up to .8 mills to accomplish the said goal of planning, design and constructing two crossroads and an interchange at the location noted; and be it further

RESOLVED if the ballot issue is not approved at the August 8, 2006 primary election, the Commission agrees to place the proposal on the ballot for the November 2006 General Election.

BALLOT LANGUAGE

Should the County of Otsego be permitted to levy up to .8 mills for a period of five years to provide the necessary local match funding to assist in the planning, design, and construction of two crossovers of I-75 at the VanTyle Road to Wisconsin Avenue and Milbocker Road to McCoy Road roadway locations with possibly a new interchange at Milbocker Road and McCoy Road?

Yes No

RESOLUTION NO. OCR 06-22
RESOLUTION FOR THE PURPOSE OF SUBMITTING MILLAGE FOR THE CONSTRUCTION OF A
JAIL AT THE AUGUST PRIMARY ELECTION

WHEREAS, the County of Otsego, Michigan (the "County") has deemed it necessary to construct, furnish, equip and pay for additional operating costs of a new jail thereon (the "Project"); and

WHEREAS, to finance such Project it will be necessary to levy a millage of 1.60 mills for twenty years; and

WHEREAS, the County wishes to authorize a proposition to be submitted to the voters in the County at the Primary Election to be held on August 8, 2006 (the "Primary Election"); and

WHEREAS, the County Clerk must publish a Notice of the last day of Registration and a Notice of Proposal to be submitted at the Primary Election which must include the final language of the ballot proposition; and

WHEREAS, the County wishes to approve such ballot proposition and authorize the County Clerk to proceed with the necessary notices at such Primary Election; now, therefore be it

RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF OTSEGO, STATE OF MICHIGAN as follows:

1. The County shall submit to the registered electors residing within the boundaries of the County of Otsego the millage proposition set forth in paragraph 3 below at the Primary Election on Tuesday, August 8, 2006.
2. The County Clerk shall cause a Notice of Registration and a Notice of Proposal to be submitted at the Primary Election in the forms attached hereto as Appendix A and Appendix B, respectively, to be published as required by law.
3. The Board of Commissioners certifies to the County Clerk the following proposition which shall be submitted to the qualified electors of the County of Otsego at the Primary Election on Tuesday, August 8, 2006:

PROPOSAL TO LEVY A MILLAGE
TO CONSTRUCT, FURNISH, EQUIP AND TO PAY FOR ADDITIONAL OPERATING
COSTS OF A NEW JAIL IN THE COUNTY OF OTSEGO

Shall the limitation on the amount of taxes which may be imposed each year for all purposes on real and tangible personal property in Otsego County be increased as provided in Section 6, Article IX of the Michigan Constitution, and the Board of Commissioners be authorized to levy within the boundaries of the County of Otsego as a new millage a tax of not to exceed one and six tenth mills (\$1.60 per \$1,000.00 of taxable valuation) on the taxable value of such property for a period of twenty (20) years beginning with the levy made on December 1, 2006 (which will generate estimated revenues of \$1,885,615.70 in the first year) for the purpose of constructing, furnishing, equipping and paying for additional operating costs of a new jail and appurtenances therefore?

The ballot to be used in the Primary Election for the purpose of submitting the foregoing proposition to electors shall be substantially in the form set forth in Appendix C.

The County Clerk is authorized to take whatever action is necessary under the Election Laws of the State of Michigan to notify electors of the County of Otsego of the proposition being submitted at the

August 8, 2006 Primary Election and of the last day of registration therefore. The Clerk shall cause appropriate registration and election notices to be inserted as required by the State Election Law in the *Gaylord Herald Times*, Gaylord, Michigan, a newspaper of general circulation in the respective County.

All resolutions and parts of resolution in conflict with the foregoing are hereby rescinded.

APPENDIX A

REGISTRATION NOTICE

For Primary Election

TO THE QUALIFIED ELECTORS:

[INSERT NAMES OF CITIES AND TOWNSHIPS]

_____ of _____, State of Michigan

Notice is hereby given that in conformity with the "Michigan Election Law" I, the undersigned clerk, will upon any day, except Sunday and a legal holiday, the day of any regular or special election or Primary Election, receive for registration the name of any legal voter in said Township or City not already registered who may APPLY TO ME PERSONALLY for such registration.

[INSERT REGISTRATION LOCATIONS]

NOTICE IS HEREBY GIVEN THAT I WILL BE AT MY OFFICE ON:

_____ Last day of registration which is the ____ day preceding said election (the 30th day falling on a Sunday), for the purposes of REVIEWING the REGISTRATION and REGISTERING such of the qualified electors in said TOWNSHIP or CITY as SHALL PROPERLY apply therefore.

THE FOLLOWING PROPOSITION WILL BE SUBMITTED TO THE ELECTORS OF THE COUNTY OF OTSEGO AT THE AUGUST 8, 2006 PRIMARY ELECTION:

**PROPOSAL TO LEVY A MILLAGE
TO CONSTRUCT, FURNISH, EQUIP AND TO PAY FOR ADDITIONAL OPERATING COSTS OF A
NEW JAIL IN THE COUNTY OF OTSEGO**

Shall the limitation on the amount of taxes which may be imposed each year for all purposes on real and tangible personal property in Otsego County be increased as provided in Section 6, Article IX of the Michigan Constitution, and the Board of Commissioners be authorized to levy within the boundaries of the County of Otsego as a new millage a tax of not to exceed one and six tenth mills (\$1.60 per \$1,000.00 of taxable valuation) on the taxable value of such property for a period of twenty (20) years beginning with the levy made on December 1, 2006 (which will generate estimated revenues of \$1,885,615.70 in the first year) for the purpose of constructing, furnishing, equipping and paying for additional operating costs of a new jail and appurtenances therefore?

APPENDIX B

PRIMARY ELECTION

TO THE QUALIFIED ELECTORS:

NOTICE IS HEREBY GIVEN, That a Primary Election will be held in

ALL PRECINCTS

[INSERT NAMES OF CITIES AND TOWNSHIPS]

_____ of _____, State of Michigan
on

Tuesday, August 8, 2006

At the place or places of holding the election as indicated below, viz:

[INSERT PRECINCT DESCRIPTIONS]

TO VOTE ON THE FOLLOWING PROPOSAL:

**PROPOSAL TO LEVY A MILLAGE
TO CONSTRUCT, FURNISH, EQUIP AND TO PAY FOR ADDITIONAL OPERATING
COSTS OF A NEW JAIL IN THE COUNTY OF OTSEGO**

Shall the limitation on the amount of taxes which may be imposed each year for all purposes on real and tangible personal property in Otsego County be increased as provided in Section 6, Article IX of the Michigan Constitution, and the Board of Commissioners be authorized to levy within the boundaries of the County of Otsego as a new millage a tax of not to exceed one and six tenth mills (\$1.60 per \$1,000.00 of taxable valuation) on the taxable value of such property for a period of twenty (20) years beginning with the levy made on December 1, 2006 (which will generate estimated revenues of \$1,885,615.70 in the first year) for the purpose of constructing, furnishing, equipping and paying for additional operating costs of a new jail and appurtenances therefore?

APPENDIX C

OFFICIAL BALLOT

PRIMARY ELECTION

OF

STATE OF MICHIGAN

TUESDAY, AUGUST 8, 2006

INSTRUCTIONS - To vote in favor of the proposition, place a cross (X) or check mark (/) in the square to the right of the word "Yes"; to vote against the proposition, place a cross (X) or check mark (/) in the square to the right of the word "No". Before leaving the booth, fold the ballot so that the face of the ballot is not exposed and so that the numbered corner is visible.

**PROPOSAL TO LEVY A MILLAGE
TO CONSTRUCT, FURNISH, EQUIP AND TO PAY FOR ADDITIONAL OPERATING
COSTS OF A NEW JAIL IN THE COUNTY OF OTSEGO**

Shall the limitation on the amount of taxes which may be imposed each year for all purposes on real and tangible personal property in Otsego County be increased as provided in Section 6, Article IX of the Michigan Constitution, and the Board of Commissioners be authorized to levy within the boundaries of the County of Otsego as a new millage a tax of not to exceed one and six tenth mills (\$1.60 per \$1,000.00 of taxable valuation) on the taxable value of such property for a period of twenty (20) years beginning with the levy made on December 1, 2006 (which will generate estimated revenues of \$1,885,615.70 in the first year) for the purpose of constructing, furnishing, equipping and paying for additional operating costs of a new jail and appurtenances therefore?

YES

NO

AN ORDINANCE TO AMEND ARTICLE 15 "LOTS NEAR WATER" BY AMENDING SECTIONS 15.4, 15.5, 15.6, 15.7 AND 15.8 TO PROVIDE CLEAR GUIDELINES FOR ZONING ADMINISTRATOR SITE PLAN REVIEW AND APPROVAL OF ANY EXCAVATION OR CONSTRUCTION WITHIN THE 'SHORELAND' AS DEFINED IN THE ZONING ORDINANCE, FOR THE HEALTH, SAFETY AND WELFARE OF COUNTY CITIZENS.

THE COUNTY OF OTSEGO, STATE OF MICHIGAN ORDAINS:

Section 1. Amendment of Article 15 by amending Sections 15.4, 15.5, 15.6, 15.7 and 15.8 to read as follows. All other Sections of Article 15 shall remain unchanged.

SECTION 15.4 CONSTRUCTION WITHIN SHORELANDS BY PERMIT

Construction within the Shoreland shall be limited to minimal landscaping features necessary to enable use and enjoyment of the Shoreland and/or access walkways. No structures, other than decks or walkways or landscape features as noted in this section shall be constructed within the Shoreland. Construction may be permitted only following site plan review by the Zoning Administrator under the following conditions:

Site plan application procedures as provided in Section 15.8 must be followed.

To minimize erosion, construction must be the minimum required. No steps or walkway within the shoreland area shall have a clear width of more than five feet or an overall width of more than six feet, including handrails if required by the building code. Landscape features must be the minimum necessary to permit use and enjoyment of the Shoreland. Retaining walls necessary due to steep slopes shall not exceed 30% of the lot width; patios shall not exceed 64 square feet in area.

On lots without suitable beach front, a raised platform not larger than 64 square feet may be constructed. In addition to the raised platform steps or a walkway may be constructed. The platform shall be constructed of wood or other suitable material approved by the Zoning Administrator. This platform shall have a length not more than 1.5 times its width, except that where slopes are greater than one foot vertical on three feet horizontal, more length may be allowed to offset the shallow width, so long as the overall square footage is not increased. On slopes greater than one foot on three feet, dry-stacked platforms and retaining walls of earth-colored stones, brick or other suitable material approved by the Zoning Administrator, may be substituted for raised wooden platforms.

Erosion control measures shall be incorporated into any design, including permanent stabilization of soils beneath the platform, which will no longer support vegetation due to lack of natural light. Where slopes are greater than one foot on three feet, stone riprap placed over a geotextile fabric or other permanent stabilization shall be required. The maximum allowable total area of all walks and stairs within the shoreland shall not exceed 450 square feet on lakes and 1,050 square feet on rivers and streams.

No part of any improvement in the shoreland shall extend more than 18 inches above any part of the surrounding terrain, except hand rails as required by the Building Department and water pump enclosures which may be a maximum of 30 inches tall and 48 inches wide. Boardwalks, decks, and pathways through regulated wetlands will require a permit from the DNR.

SECTION 15.5 TREE CUTTING WITHIN THE SHORELANDS BY PERMIT

In order to protect the natural character, environment, and ecology of the waters of Otsego County, the shorelands shall be maintained in a natural condition. Vegetation shall be retained and tree cutting shall only be permitted following site plan approval by the Zoning Administrator as noted in Section 15.8.

Clear cutting of trees shall not create a clear cut swathe wider than 30% of the lot width, and in no case shall clear cutting exceed a total width of 30 feet for each 100 feet of shoreline. Provided further that the stumps may be cut flush with the ground, but the roots shall not be removed. Any soil disturbance associated with the clearing of vegetation must be adequately protected from erosion and sedimentation in accordance with the standards of the Soil Erosion and Sediment Control Act.

SECTION 15.6 EXCAVATING, FILLING OR GRADING OF SHORELANDS

Excavation, filling or grading of shorelands shall only be permitted following site plan approval by the Zoning Administrator as noted in Section 15.8 and as guided by regulations set forth in Section 15.4.

The purpose of the Shoreland area is to prevent and control water pollution, preserve shoreland cover, natural beauty, and to further the maintenance of safe and healthy bodies of water within Otsego County therefore, Excavation must be the minimum required for use of the shoreland. Landscaping and Lawns are not considered natural vegetation and shall not be permitted within 50' of a Lake or 150' of a lake or stream

Unless due to steep slopes which make use of the Shoreland impossible, retaining walls shall not be permitted within the Shoreland. In the event of steep slopes a retaining wall shall not exceed 30% of the lot width and be the minimum height possible to permit use of the Shoreland.

In addition to County Zoning Administrator approval, appropriate permits from the County Soil Conservation Office and from the Department of Natural Resources shall be obtained.

SECTION 15.7 BEACH IMPROVEMENTS

Improvements and/or maintenance of existing beaches that do not require any excavation or removal of soil is permitted.

Any improvements and/or maintenance of existing beaches involving excavation or removal of soil shall be permitted only following site plan approval by the Zoning Administrator as noted in Section 15.8. and as regulated by Sections 15.4, 15.5, and 15.6.

The depth of the beach area shall not exceed 15 feet from the normal high water level inland and the beach area shall not exceed 6 percent slope. In developing a new beach area, the procedures in this section and section 15.5 shall be followed.

SECTION 15.8 SHORELAND SITE PLAN APPLICATION PROCEDURES

A Site Plan Review application must be completed and a site plan meeting all of the provisions of Article 20 and this Section shall be provided.

In addition to a Site Plan that complies with Article 20, Shoreland site plans shall show the following additional information:

- 15.8.1 Property lines at the waterline back to a depth of at least 60 feet for lakes and 160' for rivers.
- 15.8.2 Existing vegetation and trees within the shoreline area.

15.8.3 Existing grade elevations represented by contour lines at 5 foot intervals from the normal high water level inland to a depth of 10 feet beyond the landward extent of the Shoreland Zone.

15.8.4 Existing structures, docks, walls, steps or any man-made improvements.

15.8.5 Complete the plan by showing the proposed change that would be made if the application is accepted and approval granted by the Planning Commission.

Section 2. Severability.

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the County.

OTSEGO COUNTY

By: _____
Paul Beachnau, County Board Chairman

By: _____
Susan Defeyter, County Clerk