

March 30, 2017

The regular meeting of the Otsego County Board of Commissioners was held at the Multi-Purpose Room at 800 Livingston Blvd, Gaylord, Michigan. The meeting was called to order at 9:33 a.m. by Chairman Ken Borton. Invocation by Commissioner Ken Glasser, followed by the Pledge of Allegiance led by Mary Sanders.

Roll Call:

Present: Paul Beachnau, Paul Liss, Duane Switalski, Rob Pallarito, Ken Glasser,
Doug Johnson, Ken Borton.

Excused: Julie Powers, Bruce Brown.

Consent Agenda:

Motion to approve the Regular Minutes of March 14, 2017 with attachments Ayes: Unanimous. Motion carried.

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

Motion to approve FY 2016/2017 Fund carryover budget amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve FY 2017 Animal Control budget amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the 2016 Animal Shelter additional principal payment of \$20,226.64. Ayes: Unanimous. Motion carried.

Motion to approve FY 2017 Contingency/Equipment budget amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to designate \$20,899 from insurance proceeds as reserved cash, to be used towards the purchase of a new bus. Ayes: Unanimous. Motion carried.

Motion to approve the Bus System computer purchase. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve FY 2017 Parks and Recreation budget amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve fee schedule update to show a cost of \$85.00 per night for the large cabin at the County Park. Ayes: Unanimous. Motion carried.

Motion to approve FY 2016 general fund budget amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to approve the reappointment of Bill Muzyl to the Airport Advisory Committee to a term expiring on 12-31-19. Ayes: Unanimous. Motion carried.

Motion to approve the appointment of Kelli Parker to the Parks and Recreation Commission to a term ending 12-31-19. Ayes: Unanimous. Motion carried.

Motion to add a full-time ranger position for the Groen Nature Preserve and to approve the associated budget amendment. Ayes: Unanimous. Motion carried. (see attached)

Motion to award Bid 2017-03 to Jon Study in the amount of \$222.00 for the sale of an Airport loader bucket. Ayes: Unanimous. Motion carried.

Motion to award Bid 2017-04 to Norm Brecheisen in the amount of \$310.57 for the sale of 2 trailers. Ayes: Unanimous. Motion carried.

Administrator's report:

John Burt reported on the Conservation District, received a grant for tire recycling; Animal Control addition of a garage; Iron Belle trail meeting; Tri-County Court agreement.

Motion by Commissioner Paul Liss, seconded by Commissioner Doug Johnson, to approve the Tri-County Court Agreement as presented. Ayes: Unanimous. Motion carried. (see attached)

USDA Public hearing on Ambulance Grant was opened at 9:38 a.m.

USDA Public hearing on Ambulance Grant was closed at 9:40 a.m.

Special Presentations:

Lt. Ken Mills reported on S.A.N.E; covers Otsego, Cheboygan and Emmet Counties. 119 complaints in 2016, 137 drug arrests in 2016.

Department Head Report:

Dona Wishart reported on the Commission on Aging; provides caregiver, Parkinson's, grandparents raising grandchildren support groups.

City Liaison, Township and Village Representative: None.

Correspondence:

Commissioner Ken Glasser received a letter from the DNR.

New Business:

Motion by Commissioner Duane Switalski, seconded by Commissioner Paul Liss, to approve the March 17, 2017 Special Warrant and the March 21, 2017 Warrant in the total amount of \$169,388.51. Ayes: Unanimous. Motion carried.

Motion by Commissioner Ken Glasser, seconded by Commissioner Doug Johnson, to remove check#65731 from the March 28, 2017 warrant and to approve the Warrant in the total amount of \$801,014.44. Ayes: Unanimous. Motion carried.

Motion by Commissioner Rob Pallarito, seconded by Commissioner Duane Switalski, to adopt Resolution OCR 17-03 as presented.

Roll Call Vote:

Ayes: Paul Beachnau, Paul Liss, Duane Switalski, Rob Pallarito, Doug Johnson, Ken Borton.

Nays: Ken Glasser.

Excused: Julie Powers, Bruce Brown.

Motion carried/Resolution adopted. (see attached)

Public Comment:

Chairman Ken Borton opened up the meeting for public comment.

Board Remarks:

Commissioner Rob Pallarito updated the Board on the joint land use study with NEMCOG.

Commissioner Ken Glasser attended the MAC Conference.

Commissioner Paul Liss had no report.

Commissioner Paul Beachnau attended the MAC Conference.

Commissioner Duane Switalski had no report.

Commissioner Doug Johnson had no report.

Commissioner Ken Borton attend MAC Conference; chosen by National Association of Counties to represent Michigan.

Meeting adjourned at 11:05 a.m.

Kenneth C. Borton, Chairman

Susan I. DeFeyer, Otsego County Clerk

This Agreement entered into this day of March 30, 2017, between the County of Otsego, a Michigan municipal corporation located at 225. West Main Street, Gaylord, Michigan 49735, hereinafter called the "County" and the Otsego Conservation District, a Michigan municipal corporation at 800 Livingston Blvd, Suite 4-A, Gaylord, Michigan 49735, hereinafter called the "District."

Witnesseth:

1. **Term.** The County agrees to contract with the District for the term beginning March 11, 2017 to and including March 12, 2018 to perform efforts on behalf of Otsego County and its Recycling Program.
2. **Performance.** The District agrees to provide and perform all services as outlined in the Description of Services, in a competent and professional manner.
3. **Description of Services.** The District shall provide the following services:
 - a. Preparation and placement of advertising for Otsego County's Recycling Drop-off program as detailed in the budget contained in Appendix A.
 - b. Preparation of recycling educational material as detailed in the budget contained in Appendix A.
 - c. Provide information assistance and education on the Recycling Program.
 - d. Coordination and training of recycling volunteers.
 - e. Coordination and implementation of the annual Household Hazardous Waste Drop-off Event.
 - f. Monitoring of each recycling drop-off location to check on cleanliness around the recycling bins as well as the status of how much material capacity remains in each bin. Such monitoring to be performed at least twice weekly.
4. **Fee.** The County agrees to pay the District a total fee of \$20,834.61 for its services under this Agreement. A payment of \$5,000 is payable upon commencement of the Agreement, with the remaining payments to be paid as incurred and invoiced.
5. **Termination and Suspension.** If the District defaults or neglects to carry out its duties in accordance with the Agreement 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 Agreement. If the District fails to correct non-compliance, or performs in a manner that is not in accordance with the requirements of the Agreement, 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.

Either party may terminate this Agreement for any or no reason upon sixty (60) day written notice.

In the event of suspension or termination under Section 6, then in such case, as appropriate, the

District shall pay to the County any funds not yet expended 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.

7. Amendment. The Agreement may only be amended, modified or supplemented by written instruments signed by both parties.

This Agreement 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
Otsego County Administrator

Date: _____

DISTRICT:

Jack Marlette, Chairman
Otsego Conservation District

Date: _____

APPENDIX A

OTSEGO COUNTY RECYCLING BUDGET
 March 12, 2017 - March 11, 2018

	SUPPLIES	HOURS	MILES
Fielding Calls		150	
Site Visits		740	10,742
Gaylord 4 times per week = 278 hrs. per yr., Hayes 3 times per week = 117 hrs. per yr., Joburg 3 times per week = 186 hrs. per yr., Vanderbit 2 times per week plus 4 holidays = 81 hrs. per yr., Old State 2 times per week plus 4 holidays = 108 hrs. per yr.			
Emmet County		60	
Report on bins:			
Education / Outreach / Presentations *	\$200.00	80	90
Gaylord Herald Times			
Insert 15,000 Copies	\$630.00	8	7
Market Place 4,500 Copies	\$189.00	6	7
Herald Time 4 Cases @ \$68.10 each	\$272.40		
4 Press Releases Herald Times, Weekly Choice, Our Home Town		12	
Newspaper Ads 3 ads	\$335.00	10	
Eagle 101.6 52 wks. - 10 times each week	\$1,500.00	12	40
60 Second pre-recorded ads: Throughout the year		80	540
On air live interviews & mentions			
Phone guide		1	
One-page advertisement			
Recycling & Hazardous Waste Guide Create copy-ready 40-page guide	\$41.00	40	
Paper for cover 500/\$60.00 100% post consumer waste (PCW) 80lb	\$145.00	2	12
Print cover 500/29 ea.		2	
Fold cover 500	\$126.00		
Paper for inside pages 5000 sheets 100% post consumer waste (PCW) 70lb		8	
Copy 5000 front & back	\$50.00	8	4
Folding and correlating 500 guides	\$50.00		
Stapling 500/10 ea.	\$40.00		4
Trim Booklets 500			
Website Updates		15	
Facebook Updates		35	
Evaluation of Recycling Program *			
Sub-Total	\$3,578.40	1269	11446
	Wage & FICA \$15.00 per hr		\$0.50/ mile
Total	\$3,578.40	\$12,448.89	\$4,807.32

Supplies \$3,578.40
 Hours \$12,448.89
 Mileage \$4,807.32
Total Budget \$20,834.61

* Education / Outreach materials and presentations will include activities such as Farmers Market, County Fair, Otsego County Schools, News Releases, Newsletters, Radio and Otsego County Township Association Meeting



**OTSEGO COUNTY
BUDGET AMENDMENT**

FUND/DEPARTMENT: General 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)

DESCRIPTION Carryforward budget for comp study into 2017

REVENUE

Account Number	Decrease	Increase
101-050-400.001 Budgeted Use of Fund Balance	\$	\$ 44,000
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
101-864-801.000 Professional Services	\$ 44,000	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total	\$ 44,000	\$ 44,000

Department Head Signature _____ Date _____

Administrator's Signature _____ Date _____

Finance Department
Entered:
By:

3/30/17

Board Approval Date (if necessary) _____ Budget Adjustment # _____ Posting Number _____



**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 Svcs)

DESCRIPTION To increase repair and maintenance budget for 2017

REVENUE

Account Number	Decrease	Increase
212-050-400.001 Budgeted Use of Fund Balance	\$	\$ 2,000
212-050-673.002 Sale of Seized Property	\$	\$ 4,000
	\$	\$
	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
212-430-726.050 Repairs and Maintenance	\$ 6,000	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total	\$ 6,000	\$ 6,000

Department Head Signature _____

Date _____

Administrator's Signature _____

Date _____

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3/14/17

Board Approval Date (if necessary) _____

Budget Adjustment # _____

Posting Number _____

Finance Department
Entered:
By:



**OTSEGO COUNTY
BUDGET AMENDMENT**

FUND/DEPARTMENT: General Fund/Bus System

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)

DESCRIPTION To fund the purchase of two new dispatch computers using contingency

REVENUE

Account Number	Decrease	Increase
588-050-699.030 Transfer In	\$	\$ 4,759
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
101-941-999.010 Contingency	\$	\$ 4,759
101-969-999.000 Transfer to Bus	\$ 4,759	\$
588-901-970.440 Property - Computers	\$ 4,759	\$
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

Department Head Signature _____ Date _____

Administrator's Signature _____ Date _____

Finance Department
Entered:
By:

3/30/17

Board Approval Date (if necessary) _____ Budget Adjustment # _____ Posting Number _____



**OTSEGO COUNTY
BUDGET AMENDMENT**

FUND/DEPARTMENT: Parks and Rec 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)

DESCRIPTION To purchase and furnish 2 new, larger cabins at the County Park and move the 2 existing cabins to another area in the Park

REVENUE

Account Number	Decrease	Increase
208-050-400.001 Budgeted Use of Fund Balance	\$	\$ 46,705
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
208-901-970.200 Property - Buildings	\$ 46,705	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
Total	\$ 46,705	\$ 46,705

Department Head Signature

Date

Administrator's Signature

Date

Finance Department
Entered:
By:

3/30/17

Board Approval Date (if necessary)

Budget Adjustment #

Posting Number



**OTSEGO COUNTY
BUDGET AMENDMENT**

P.1 of 2

FUND/DEPARTMENT: General 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)

DESCRIPTION Transfer of year end 2016 funds + carryforward into 2017

REVENUE

Account Number	Decrease	Increase
101-010-411.000 Delinquent Property Taxes	\$	\$ 178,000
	\$	\$
	\$	\$
	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
101-301-703.030 Hourly Wages	\$	\$ 22,000
101-301-704.110 Health Insurance	\$	\$ 32,000
101-301-704.300 Retirement	\$	\$ 42,000
101-301-726.000 Supplies	\$	\$ 22,000
101-301-726.050 Repairs and Maintenance	\$	\$ 6,000
101-301-930.660 Gasoline	\$	\$ 8,000
	\$	\$

Department Head Signature _____ Date _____

Administrator's Signature _____ Date _____

Finance Department
Entered:
By:

3/30/17

Board Approval Date (if necessary) _____ Budget Adjustment # _____ Posting Number _____

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**OTSEGO COUNTY
BUDGET AMENDMENT**

P. 2012

FUND/DEPARTMENT: General 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)

DESCRIPTION Transfer of year end 2016 funds + carryforward into 2017

REVENUE

Account Number	Decrease	Increase
499-050-699.030 Transfer In	\$	\$ 50,000
266-050-699.030 Transfer In	\$	\$ 50,000
292-050-699.030 Transfer In	\$	\$ 75,000
	\$	\$
Total	\$	\$

EXPENDITURE

Account Number	Increase	Decrease
499-901-970.000 BOILERS Boiler Replacement	\$ 50,000	\$
101-972-999.000 Transfer Out Capital Projects	\$ 50,000	\$
266-901-970.440 Equipment	\$ 50,000	\$
101-970-999.000 Transfer Out Equipment	\$ 50,000	\$
101-853-704.303 Retirement Additional Pmts	\$ 135,000	\$
292-662-930.800 Institutions	\$ 75,000	\$
<i>101-967-999.000 Transfer Out Child Care^{Fd}</i>	\$ 75,000	\$

Department Head Signature _____ Date _____

Administrator's Signature _____ Date _____

Finance Department
Entered:
By:

3/30/17

Board Approval Date (if necessary) _____ Budget Adjustment # _____ Posting Number _____

**SHARED COSTS AGREEMENT BETWEEN THE 46TH JUDICIAL CIRCUIT COURT
AND THE COUNTIES OF CRAWFORD, KALKASKA AND OTSEGO**

As the funding units for the 46th Judicial Circuit Court ("the Court"), the Counties of Crawford, Kalkaska, and Otsego ("the Funding Units") share responsibility for certain costs for the operation of the Court. Therefore, the parties agree that the following Agreement provides the most equitable and efficient manner of allocating and paying said shared costs:

1. Unless mutually agreed upon by all parties to this Agreement or otherwise specifically stated herein, shared expenses shall be divided among the three County Funding Units based upon each County's respective percentage share of the Court's total substantive caseload. The apportionment shall be recalculated effective October 1 each year using the caseload figures from the prior full calendar year.
2. For purposes of this Agreement, Circuit Court personnel includes the two elected Circuit Court Judges and three "designated employees" as follows: two confidential judicial secretaries/assignment clerks, and one circuit law clerk.
3. Shared expenses shall include the following:
 - A. Internet access, JIS/JMS costs, AS400 costs, other Circuit Court-specific technology expenses as unanimously agreed upon by the Chief Judge and all three Funding Units.
 - B. All of the following for the two Circuit Court Judges and three designated employees: wages, fringe benefit costs and payroll expenses; office supplies and equipment; postage; dues and subscriptions; travel expenses.
 - C. Circuit Court-related travel expenses and dues and subscriptions for the Friend of the Court Director.
 - D. Any other expense as unanimously approved by the Chief Judge and all three Funding Units.
4. Crawford County shall function as the Control Unit such that the two Judges and three designated employees shall be processed on the Crawford County payroll, and to the extent possible, all bills for Circuit Court expenses shall be submitted to and paid by Crawford County. Crawford County shall provide a detailed quarterly accounting and invoice to each of the other Funding Units. Any of the above-listed Circuit Court expenses incurred directly by Otsego or Kalkaska Counties (postage, office supplies, etc.) shall be documented and submitted to Crawford County for reimbursement. Said reimbursements shall then be included on the quarterly accounting and invoice.
5. New hires in any of the three designated positions shall be paid a starting wage as determined by the Chief Judge to be commensurate with qualifications, so long as the starting wage does not exceed the currently budgeted wage for the position in question. Any starting wage exceeding the currently budgeted wage for the position in question must be unanimously agreed upon by the Chief Judge and all three Funding Units. Secretaries are currently paid an annual salary of \$33,131 and the law clerk is paid an annual salary of \$32,507.
6. Designated employees shall receive annual increases, if any, equal to the average of the annual across-the-board increases given to non-union Court employees in all three Counties.

7. The three designated employees shall be entitled to all employee benefits afforded to Crawford County Court employees as of the effective date of this Agreement. The Circuit Court Judges shall be entitled to all applicable benefits except County retirement benefits. Crawford County health insurance benefits shall be subject to PA 152 and are currently subject to the a hard cap option. Crawford County new hire retirement benefits shall be in the form of a defined contribution plan. Any additional benefits shall be offered only as unanimously agreed upon by the Chief Judge and all three Funding Units.

8. From the date of implementation of this Agreement through December 31, 2017, the intent of the parties in this Agreement is that this Budget will be budget neutral for the three Funding Units. Any unforeseen and heretofore unapproved/unbudgeted costs associated with this Budget will be discussed and agreed upon between the Court and each of the three Funding Units. Effective January 1, 2018, the shared expenses shall be divided among the three Counties based upon their respective percentages of total substantive caseload from 2017. Going forward, the division of costs among the Funding Units shall be recalculated effective October 1 each year, using the approved caseload figures from the prior calendar year.

9. The Chief Judge and Court Administrators shall meet with all three County Controllers/Administrators annually to review this Agreement and discuss related budgetary matters. The shared Tri-County Circuit Court Budget shall be a line-item budget which includes the personnel costs associated with the two Judges and three designated employees, and the above-listed operational costs. Any additional costs to be added to the Tri-County Court Budget are subject to the written approval/Budget Amendment of all three County Funding Units in compliance with the Uniform Budget Act.

10. This Agreement is subject to modification as unanimously agreed upon by the Chief Judge and all three Funding Units.

11. This Agreement shall be effective March 15, 2017 or as soon thereafter as it may be fully implemented.

Dated: _____

Hon. George J. Mertz, Chief Judge
46th Circuit Court

Dated: _____

Dave Stephenson, Chair
Crawford County Board of Commissioners

Dated: _____

Stuart McKinnon, Chair
Kalkaska County Board of Commissioners

Dated: _____

Ken Borton, Chair
Otsego County Board of Commissioners

OCR 17-03
Opposition to Marihuana Laws
Otsego County Board of Commissioners
March 30, 2017

WHEREAS, the State of Michigan has approved legislation to decriminalize (remove of legal penalties) for medical marijuana use through the Michigan Medical Marihuana Act; and

WHEREAS there is significant evidence demonstrating that marijuana has a profoundly negative impact on our youth, particularly teenagers; and

WHEREAS, The *National Institute on Drug Abuse* reports that one in six teens and 25 to 50 percent of those who use marijuana every day become addicted; and

WHEREAS, *Monitoring the Future, 2013* reports in states that have legalized medical marijuana, 38.3 percent of high school seniors reported past-year marijuana use compared to 33.3 percent in nonmedical marijuana states; and

WHEREAS, multiple studies have found that the active ingredient in marijuana, Tetrahydrocannabinol, or THC, has increased significantly over the last few decades, making marijuana an alarmingly more potent drug; and

WHEREAS, marijuana use and possession is not permitted by federal law; and

WHEREAS, the State of Michigan enacted the Medical Marihuana Facilities Licensing Act to license and regulate certain commercial entities identified in the Act as growers, processors, provisioning centers, secure transporters, and safety compliance facilities; and

WHEREAS, it is not possible to foresee and mitigate all the associated risks and impact to our communities through the decriminalization of marijuana; now, therefore be it

RESOLVED, the Otsego County Board of Commissioners is opposed to the spread of facilities associated with marijuana in our community; and, be it, further

RESOLVED, the Otsego County Board of Commissioners shall not amend or adopt any ordinance, including, but not limited to, the Otsego County Zoning Ordinance to allow any uses related to marijuana; and, be it, further

RESOLVED, the Otsego County Board of Commissioners encourages its local municipalities to oppose the decriminalization of marijuana and to not adopt ordinances allowing commercial and industrial facilities related to marijuana.