

September 12, 2017

The regular meeting of the Otsego County Board of Commissioners was held at the County Building at 225 West Main Street, Room 100, Gaylord, Michigan. The meeting was called to order at 9:30 a.m. by Chairman Ken Borton. Invocation by Commissioner Julie Powers, followed by the Pledge of Allegiance led by Matt Nowicki.

Roll Call:

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

Commissioner Ken Glasser request the Motion to approve the Capital Improvement Plan 2018-2023 be removed from the consent agenda and placed under new business.

Consent Agenda:

Motion by Commissioner Paul Liss, seconded by Commissioner Julie Powers, to approve the Regular Minutes of August 22, 2017 with attachments. Ayes: Unanimous. Motion carried.

Motion by Commissioner Paul Liss, seconded by Commissioner Julie Powers, to approve the proposed amendments for Article 23 Site Plan Review including the Site Plan Review Application. Ayes: Unanimous. Motion carried.

Committee Reports: None.

Administrator's Report:

Rachel Frisch introduced our new Finance Director Tim Hanley; City streetscape recognition on September 21, 2017 at 12:00 p.m., under the pavilion; Otsego Conservation District fall tour is September 25, 2017 beginning at 8:30 a.m.; State of the Community Breakfast is October 25, 2017 at 7:30 a.m. at the Ellison Place.

Department Head Report: None.

Special Presentations:

Larry Ward reported on Michigan Conservative Forum.

PACE Report public hearing was opened by Commissioner Ken Borton at 9:42 a.m.

PACE Report public hearing was closed by Commissioner Ken Borton at 10:02 a.m.

Motion by Commissioner Julie Powers, seconded by Commissioner Doug Johnson, to reconsider OCR 17-15 PACE Program and related agreement. Ayes: Julie Powers, Paul Beachnau, Rob Pallarito, Doug Johnson, Ken Borton, Bruce Brown. Nays: Paul Liss, Duane Switalski, Ken Glasser. Motion carried.

Motion by Commissioner Paul Beachnau, seconded by Commissioner Doug Johnson, to amend the language of the PACE Program Resolution OCR 17-15, and the related Agreement. Ayes: Julie Powers, Paul Beachnau, Rob Pallarito, Doug Johnson, Ken Borton, Bruce Brown. Nays: Paul Liss, Duane Switalski, Ken Glasser. Motion carried.

Motion by Commissioner Paul Beachnau, seconded by Commissioner Rob Pallarito, to approve the PACE Program Resolution OCR 17-15 and the related Agreement as amended.

Roll Call Vote:

Ayes: Paul Beachnau, Rob Pallarito, Doug Johnson, Ken Borton, Bruce Brown.

Nays: Julie Powers, Paul Liss, Duane Switalski, Ken Glasser. Motion carried/Resolution adopted. (see attached)

City Liaison, Township and Village Representative:

Michelle Noirot reported a new restaurant coming in on Old 27 South.

Correspondence: Commissioner Ken Glasser received a letter from the Upper Manistee River Zoning. Commissioner Ken Borton received a letter from the Genesee County Board of Commissioners regarding the Great Lakes Restoration.

New Business:

Motion by Commissioner Paul Liss, seconded by Commissioner Duane Switalski, to approve the August 18, 2017 Warrant in the amount of \$1,613.69. Ayes: Unanimous. Motion carried.

Motion by Commissioner Duane Switalski, seconded by Commissioner Julie Powers, to approve the August 29, 2017 Warrant in the amount of \$128,007.46. Ayes: Unanimous. Motion carried.

Motion by Commissioner Rob Pallarito, seconded by Commissioner Paul Liss, to approve the September 5, 2017 Warrant in the amount of \$96,017.68. Ayes: Unanimous. Motion carried.

Motion by Commissioner Bruce Brown, seconded by Commissioner Doug Johnson, to approve the September 12, 2017 Warrant in the amount of \$136,561.64. Ayes: Unanimous. Motion carried.

Motion by Commissioner Ken Glasser, seconded by Commissioner Doug Johnson, to approve the Capital Improvement Plan 2018-2023. Ayes: Unanimous. Motion carried.

Chairman Ken Borton opened up the meeting for public comment.

Board Remarks:

Commissioner Rob Pallarito reported on working through the I-75 shut down with the officials in Washington and how it went well.

Commissioner Ken Glasser reported on the NEMSCA meeting; 3 year community assessment poverty; Otsego County is aging.

Commissioner Bruce Brown had no report.

Commissioner Paul Liss reported on Community Mental Health, working on putting records online; Vanderbilt has a food pantry open Tuesdays and Thursdays; Pavilion in Vanderbilt is available for rent; Family Dollar building is up.

Commissioner Paul Beachnau reported the Library project is out for bids; Jim Stamas received the Michigan Legislator of the year award.

Commissioner Julie Powers attended the City Council meeting, Thanked Rachel Frisch for attending.

Commissioner Duane Switalski thanked the public for attending today's meeting.

Commissioner Doug Johnson reported on the Parks and Recreation meeting; campground full; possible reduced rates for Sunday, Monday and Tuesday; Groen Nature Trust fund Board meeting 9-19-17; Libke field fences; waiting for the truck and plow bids.

Commissioner Ken Borton thanked the audience for attendance today; attending the MAC Conference; next Commissioner's meeting is Thursday 9-28-17.

Meeting adjourned at 11:05 a.m.

Kenneth C. Borton, Chairman

Susan I. DeFeyter, Otsego County Clerk

Minutes of a regular meeting of the Otsego County Board of Commissioners, held in Room 100 at the County Building, 225 W. Main St., Gaylord, Michigan on the 12th day of September, 2017 beginning at 9:30 a.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Commissioner: _____.

OCR 17-15
Adopt PACE Program
OTSEGO COUNTY BOARD OF COMMISSIONERS
September 12, 2017

WHEREAS, the Board of Commissioners of Otsego County, Michigan previously has adopted a Resolution of Intent to authorize the establishment of a property assessed clean energy program ("PACE Program") and create a PACE district pursuant to Act No. 270, Public Acts of Michigan, 2010 ("Act 270"), for the purpose of promoting the use of renewable energy systems and energy efficiency improvements by owners of certain real property; and

WHEREAS, the Board of Commissioners hereby finds that financing energy projects is a valid public purpose because it stimulates economic development, improves property values, reduces energy costs, reduces greenhouse gas emissions, and increases employment in the County; and

WHEREAS, the types of energy efficiency improvements and renewable energy systems that may be financed under the PACE Program include, but are not limited to: insulation in walls, roofs, floors, foundations, or heating and cooling distribution systems; storm windows and doors; multi-glazed windows and doors; heat-absorbing or heat-reflective glazed and coated window and door systems; and additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption; automated energy control systems; heating, ventilating, or air-conditioning and distribution system modifications or replacements; caulking, weather-stripping, and air sealing; replacement or modification of lighting fixtures to reduce the energy use of the lighting system; energy recovery systems; day lighting systems; installation or upgrade of electrical wiring or outlets to charge a motor vehicle that is fully or partially powered by electricity; measures to reduce the usage of water or increase the efficiency of water usage; any other installation or modification of equipment, devices, or materials approved as a utility cost-savings measure by the PACE Program; a fixture, product, device, or interacting group of fixtures, products, or devices on the customer's side of the meter that use one or more renewable energy resources to generate electricity. Renewable energy resources include, but are not limited to: biomass (including a biomass stove but not an incinerator); solar and solar thermal energy; wind energy; geothermal energy and methane gas captured from a landfill; and

WHEREAS, the Board of Commissioners conducted a public hearing on September 12, 2017, at 9:30am, in the Board of Commissioners office, 225 West Main Gaylord, MI 49735, to receive comments on the proposed PACE Program, including the Report referenced in Section 9(1) of Act 270 (the "PACE Report"); and

WHEREAS, the Board of Commissioners intends to establish a PACE Program as described in the PACE Report, so as to provide a property owner-based method of financing and funds for energy projects, including owner-arranged financing from a commercial lender, which funds and financing shall be secured and repaid by assessments on the property benefited, with the agreement of the record owners, such that no County monies, general County taxes or County credit of any kind whatsoever shall be pledged, committed or used in connection with any project as required by, and subject to Act 270; now, therefore, be it

RESOLVED that:

1. The PACE Program for the County is established and approved.
2. The PACE district, having the same boundaries as the County's jurisdictional boundaries, is established.
3. The PACE Program constitutes a valid public purpose because it stimulates economic development, improves property values, reduces energy costs, reduces greenhouse gas emissions, and increases employment in the County.
4. The PACE Report is incorporated herein in full by reference, and is approved and adopted.
5. The County formally joins Lean & Green Michigan™ and designates Levin Energy Partners, LLC as PACE administrator to administer the PACE Program.
6. A public hearing shall be required to amend the PACE Program in any substantive way. Levin Energy Partners may amend the Program without a public hearing to make any necessary changes that are merely administrative, procedural, or technical in nature. The County Administrator will review all proposed changes to determine whether they are substantive, thereby requiring a public hearing, or if they are indeed merely administrative, procedural, or technical in nature thereby not requiring a public hearing.
7. In accordance with Act 270, an assessment imposed under the PACE Program, including any interest on the assessment and any penalty, shall constitute a lien against the property on which the assessment is imposed until the assessment, including any interest or penalty, is paid in full. The lien runs with the property and has the same priority and status as other property tax and assessment liens. The County has all rights in the case of delinquency in the payment of an assessment as it does with respect to delinquent property taxes. When the assessment, including any interest and penalty, is paid, the lien shall be removed from the property. The Administrator or his/her designee is authorized and directed to execute and deliver any special assessment agreement, document or certificate necessary or appropriate to create, establish and record an assessment under the PACE Program.
8. In accordance with Act 270, installments of assessments due under the owner-arranged financing under the PACE Program shall generally be paid directly by the record owner to the commercial lender. On a case-by-case basis, the Authorized Official and Levin Energy Partners at their sole discretion may allow the installments of assessments due under the PACE Program to be included in each summer and winter tax bill issued under the General Property Tax Act, 1893 PA 206, MCL 211.1 to 211.155 ("Act 206"), and may be collected at the same time and in the same manner as taxes collected under Act 206 and to be forwarded by the local government to the commercial lender. In any projects where the property owner will pay the installments of assessments through their property tax bill, the PACE special assessment agreement may provide for the County to be reimbursed for the actual costs of administering the billing and payment process.
9. The County may join with any other local unit of government, or with any person, or with any number or combination thereof, by contract or otherwise as may be permitted by law, for the implementation of the County's PACE Program, in whole or in part, and the Administrator or his/her designee is authorized to execute and deliver such documents, agreements or certificates as may be necessary or advisable to permit the cooperative implementation of the PACE Program as provided by Act 270 or other applicable law.

10. The Administrator or his/her designee is authorized to sign necessary documents, agreements or certificates, and to take all other actions necessary or convenient to implement a PACE Program consistent with the PACE Report.

11. All resolutions and parts of resolutions inconsistent with this Resolution are repealed to the extent of such inconsistency.

A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

YES: _____

NO: _____

ABSTAIN: _____

THE RESOLUTION WAS DECLARED ADOPTED.

Kenneth C. Borton, Chairman

Susan I. DeFeyter, County Clerk

STATE OF MICHIGAN)
 §
COUNTY OF OTSEGO)

The undersigned, being the duly qualified and acting Clerk of the County of Otsego, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted by the Otsego County Board of Commissioners at its regular meeting held on the 12th day of September, 2017, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the County. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the minutes of such meeting were kept and will be or have been made available as required thereby.

Susan I. DeFeyter, County Clerk

DATED: _____, 2017