

May 8, 2018

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 Paul Beachnau, followed by the Pledge of Allegiance led by Sheriff Matt Nowicki.

Roll Call:

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

OCR 18-09 National Police week was removed from the consent agenda and placed under new business.

Consent Agenda:

Motion by Commissioner Paul Liss, seconded by Commissioner Rob Pallarito, to approve the regular minutes of April 24, 2018 with attachments as presented. Ayes: Unanimous. Motion carried.

Motion by Commissioner Paul Liss, seconded by Commissioner Rob Pallarito, to adopt OCR 18-06, Support Michigan Indigent Defense Act.

Roll Call Vote:

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

Nays: None.

Motion carried/Resolution adopted. (see attached)

Motion by Commissioner Paul Liss, seconded by Rob Pallarito, to approve the reappointment of Jim Mathis to the Otsego County Housing Committee to a term expiring on December 31, 2021. Ayes: Unanimous. Motion carried.

Motion by Commissioner Paul Liss, seconded by Rob Pallarito, to approve Wade-Trim's request to place and grade removed soil on county-owned property outside the boundary that GHS leases. Ayes: Unanimous. Motion carried. (see attached)

Motion by Commissioner Paul Liss, seconded by Rob Pallarito, to approve the Otsego County Fair Association lease agreements. Ayes: Unanimous. Motion carried. (see attached)

Department Reports: None.

Committee Reports:

Jan Kellogg from the Gaylord Area Council for the Arts (GACA) reported they have been awarded the opportunity to participate in the Detroit Institute of Arts 2018 Inside/Out

program. GACA will be loaned 15 large replications of works from artists such as Van Gogh, Degas & Eaton and they will be displayed throughout the Community.

Administrator's report:

Rachel Frisch reported the M-Tec tour is May 9, 2018 at 1:30 p.m.; Police memorial ceremony is scheduled May 15, 2018 at 10:00 a.m. under the pavilion; Grand opening for the tennis court at the Sportsplex on May 24, 2018; Juvenile behavior presentation May 30, 2018 at 1:30 p.m.

City Liaison, Township and Village Representative: None.

Correspondence:

Commissioner Ken Borton received an invitation for the Pigeon River Discovery Center; Leadership of Otsego County graduation on June 5, 2018 at the Otsego Grand event center.

New Business:

Motion by Commissioner Paul Liss, seconded by Commissioner Ken Glasser, to approve the May 1, 2018 Warrant in the amount of \$1,405,920.79. Ayes: Unanimous. Motion carried.

Motion by Commissioner Julie Powers, seconded by Commissioner Doug Johnson, to approve the May 8, 2018 Warrant in the amount of \$110,345.01. Ayes: Unanimous. Motion carried.

Motion by Commissioner Doug Johnson, seconded by Commissioner Rob Pallarito, to approve OCR 18-09 National Police Week

Roll Call Vote:

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

Nays: None.

Motion carried/Resolution adopted. (see attached)

Chairman Ken Borton opened up the meeting for public comment.

Board Remarks:

Commissioner Rob Pallarito thanked Sheriff Matt Nowicki and staff for their service to the County.

Commissioner Ken Glasser reported on road construction beginning in the County; NEMSCA possibly expanding into the housing development; 20 hour work requirement for food and Medicaid coming out of legislation.

Commissioner Bruce Brown reported the little league fundraiser is scheduled for May 23, 2018 from 10:00 a.m.- 9:00 p.m. at the Chocolat Haus.

Commissioner Paul Liss reported on the Village of Vanderbilt meeting, marijuana dispensaries issue discussed-decided to not participate.

Commissioner Paul Beachnau had no report.

Commissioner Julie Powers reported on the Health Department; Hepatitis C issue in Michigan; Health department is getting national accreditation; attended SANE meeting, received report; Toured 9-1-1 center.

Commissioner Duane Switalski had no report.

Commissioner Doug Johnson had no report.

Commissioner Ken Borton reported on MAC, updating bylaws, possible changes currently 16 member board, possible all elected officials; expanding 3- 3 year terms, current 2- 2 year terms; attending the environmental committee meeting on May 11, 2018.

Meeting adjourned at 10:12 a.m.

Kenneth C. Borton, Chairman

Susan I. DeFeyter, Otsego County Clerk

OCR 18-06
Support of the Michigan Indigent Defense Act

Otsego County Board of Commissioners
May 8, 2018

WHEREAS, studies show Michigan is among the worst states in the country at protecting the constitutional rights of poor criminal defendants; and

WHEREAS, based on the proposals sent to the Michigan Indigent Defense Commission from virtually every county across the state, Michigan counties currently paid at least \$108 million MORE on prosecuting people accused of a crime than they do on the constitutionally required public defense attorneys for Michiganders who can't afford their own lawyer; and

WHEREAS, when a defendant has inadequate legal representation it can result in wrongful convictions and quite possibly poor innocent people being sent to jail; and

WHEREAS, inadequate legal defense was a factor in nearly half of the overturned convictions in Michigan; and now, therefore, be it

RESOLVED that the Otsego County Board of Commissioners supports the Michigan Indigent Defense Act and its efforts to insist upon fair and equal justice for low-income and indigent defendants; and recognizes not nearly enough is being spent on indigent defense in this state; and be it further

RESOLVED that Otsego County believes that just because a defendant is poor, he or she should not be denied justice afforded to rich defendants; and be it further

RESOLVED the Otsego County Board of Commissioners affirms that it is not acceptable for wealth to buy constitutional protection. Instead the government must provide the rights afforded by the Constitution to all citizens regardless of income; and be it further

RESOLVED that Otsego County recognizes that while equal access to justice is a fundamental constitutional right, the expenses related to providing these vital services must not be unfairly shifted to county and local governments.

LEASE

This agreement entered into this 8th day of May, 2018, by and between the OTSEGO COUNTY FAIR ASSOCIATION, hereinafter referred to as "LESSOR", and the COUNTY OF OTSEGO, hereinafter referred to as "LESSEE".

WHEREAS, LESSOR owns certain property located in the City of Gaylord, County of Otsego, State of Michigan, and described as follows:

Parcel 101-033-000-015-03

895 N Otsgo Ave #B

N 708 FT OF S ½ OF NE ¼ E OF RR R/W EXC COM AT E ¼ COR, N608.53 FT, W 317.98 FT TO POB, CONT W 463.01 FT, N00D 05M 11S E 105.85 FT, S89D 40M 00S E 462.98 FT, S00D 04M 14S W 105.85 FT TO POB SEC 33 T31N-R3W CITY OF GAYLORD

And

Parcel 103-130-000-100-00

275 Fairview Rd

S ½ OF N ½ OF NE ¼ LYING E OF RR R/W EXCBEG AT NE COR, TH W 730 FT, S 375 FT, E 380 FT, S 170 FT, SELY TO 1/8/L, E 250 FT, N TO POB SEC 33.

IT IS THEREFORE AGREED:

1. LESSOR agrees to lease to the LESSEE all of the property hereinabove described, together with all structures and fixtures thereon contained.
2. The term of the lease shall be for three (3) years commencing the 8th day of May, 2018, and shall be renewable for an additional term of three (3) years upon the mutual agreement of the parties hereto.
3. LESSEE agrees to pay LESSOR as rent for the premises the sum of ONE DOLLAR (\$1.00) per year, payable on or before the 31st day of May, 2018, and each succeeding year thereafter during the term of the lease.
4. LESSEE agrees to use the premises principally for the development of the fairgrounds and promotion of the County Fair activities; and in connection therewith, to undertake various projects, such as renting and leasing space or buildings in order to accumulate such capital and assets as are required to accomplish such purpose.

It is further agreed that the "Otsego County Fair Association" shall act as operators on behalf of LESSEE in the above matters.

5. LESSEE agrees not to do anything on the premises which may result in a violation of the rules of any municipal department or agency concerned with the occupancy of said premises.
6. LESSOR agrees to maintain such insurance as may be necessary to protect LESSEE and LESSOR from liability arising out of the use of said premises. LESSEE shall be named as an additional insured on such insurance policies. LESSEE further agrees to maintain such insurance coverage as may be necessary to protect the structures thereon from fire, windstorm, etc. damage, and to name LESSOR as an additional insured on said policy.
7. LESSOR agrees to secure certificates of insurance from all participants of "special events" and users of the various facilities. Said certificates of insurance shall hold harmless both LESSOR and LESSEE. When appropriate, waivers of liability shall be obtained from renters of the buildings and

structures. Copies of the above certificates of insurance and waivers of liability shall be placed on file for inspection by the LESSEE.

8. In the event LESSEE shall default or fail in performance of LESSEE's obligations under this lease, LESSOR may terminate the Lease and reposes the premises.
9. Successors and assigns of the parties hereto shall be bound by the terms of this Lease.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and date first above written.

In the presence of:

OTSEGO COUNTY FAIR ASSOCIATION

President

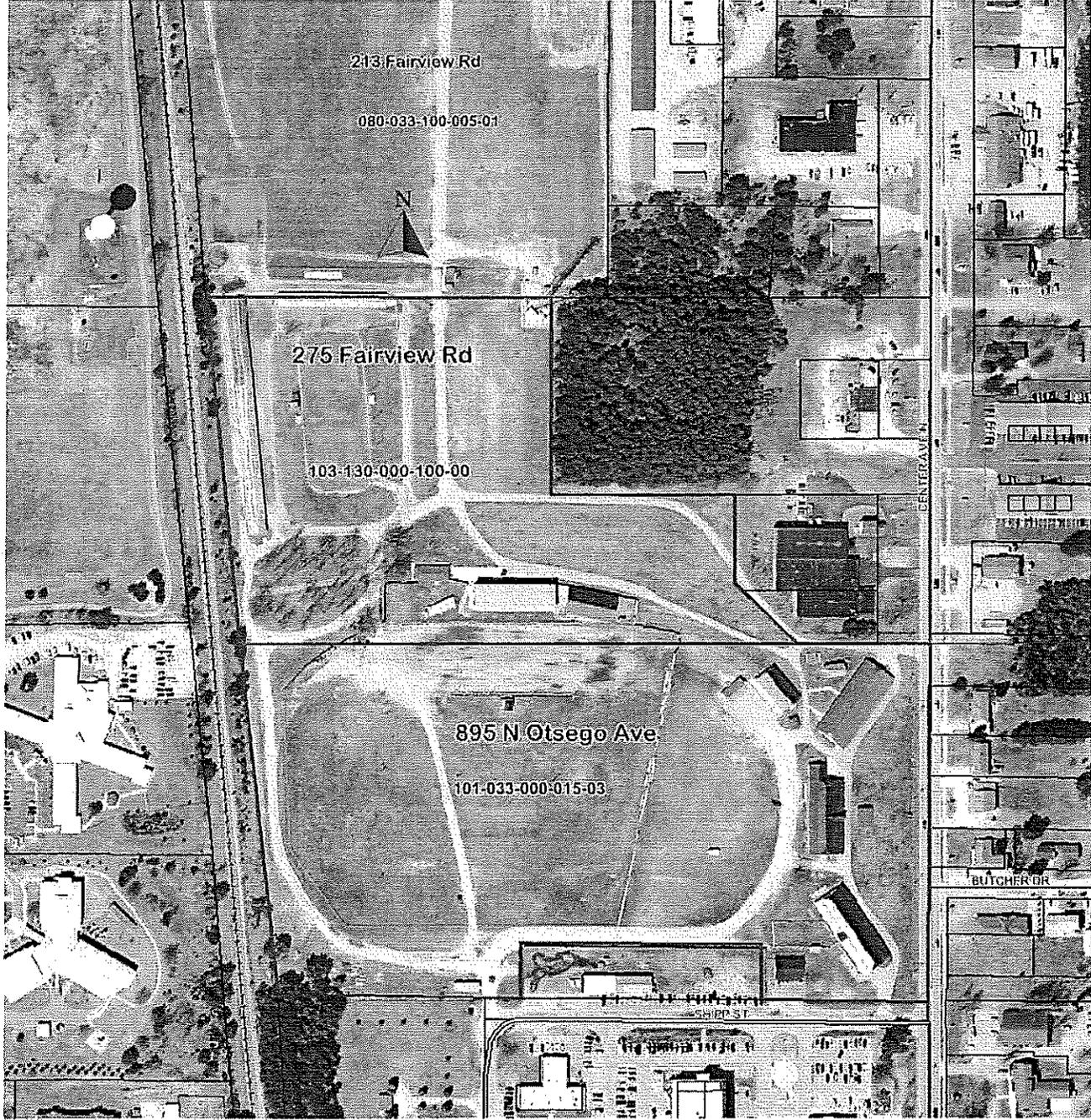
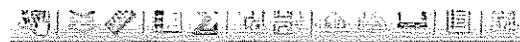
Secretary

In the Presence of:

COUNTY OF OTSEGO

Chairman

Clerk



ting: Name SNAP

LEASE

This Agreement entered into this 8th day of May, 2018, by and between the COUNTY OF OTSEGO, hereinafter referred to as the "LESSOR", and the OTSEGO COUNTY FAIR ASSOCIATION, hereinafter referred to as "LESSEE".

WITNESETH

WHEREAS, LESSOR owns certain property located in the City of Gaylord, County of Otsego, State of Michigan, and described as follows:

That part of N ½ of NW ¼ of NE ¼ east of RR and N ½ of NE ¼ of NE ¼ except the east 620 feet Section 33, T31N, R3W.

IT IS THEREFORE AGREED:

1. LESSOR agrees to lease to LESSEE all of the property hereinabove described, together with all structures and fixtures thereon contained.
2. The term of the lease shall be for three (3) years commencing the 8th day of May, 2018, and shall be renewable for an additional three (3) years upon the mutual agreement of the parties hereto.
3. LESSOR agrees to pay LESSEE as rent for the premises the sum of ONE DOLLAR (\$1.00) per year, payable on or before the 31st day of May, 2018, and each succeeding year thereafter during the term of the lease.
4. LESSEE agrees to use the premises principally for the development of the fairgrounds and promotion of the County Fair activities; and in connection therewith, to undertake various projects, such as renting and leasing space or buildings in order to accumulate such capital and assets as are required to accomplish such purpose.

It is further agreed that the "Otsego County Fair Association" shall act as operators on behalf of LESSOR in the above matters.

5. LESSEE agrees not to do anything on the premises which may result in a violation of the rules of any municipal department or agency concerned with the occupancy of said premises.
6. LESSEE agrees to maintain such insurance as may be necessary to protect LESSEE and LESSOR from liability arising out of the use of said premises. LESSOR shall be named as an additional insured on such insurance policies. LESSOR further agrees to maintain such insurance coverage as may be necessary to protect the structures thereon from fire, windstorm, etc. damage, and to name LESSEE as an additional insured on said policy.
7. LESSEE agrees to secure certificates of insurance from all participants of "special events" and users of the various facilities. Said certificates of insurance shall hold harmless both LESSOR and LESSEE. When appropriate, waivers of liability shall be obtained from renters of the buildings and structures. Copies of the above certificates of insurance and waivers of liability shall be placed on file for inspection by the LESSOR.
8. In the event LESSEE shall default or fail in performance of LESSEE's obligations under this lease, LESSOR may terminate the Lease and reposes the premises.
9. Successors and assigns of the parties hereto shall be bound by the terms of this Lease.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and date first above written.

In the presence of:

OTSEGO COUNTY FAIR ASSOCIATION

President

Secretary

In the Presence of:

COUNTY OF OTSEGO

Chairman

Clerk

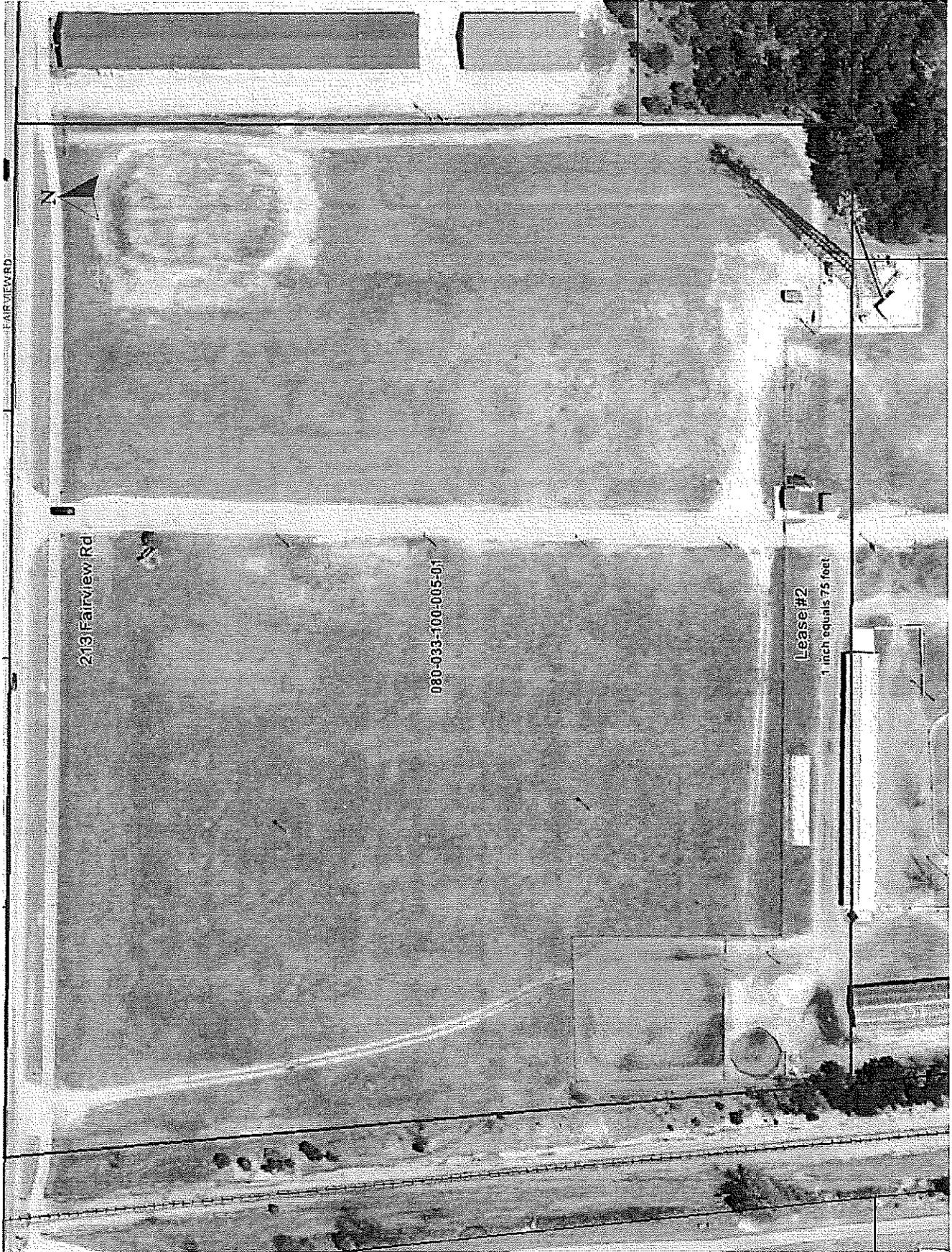
FAIRVIEW RD



213 Fairview Rd

080-033-100-005-01

Lease #2
1 inch equals 7.5 feet



OCR 18-09
Proclaiming National Police Week & Police Memorial Day
OTSEGO COUNTY BOARD OF COMMISSIONERS
May 8, 2018

WHEREAS, The Congress of the United States of America has designated the week of May 13th through May 19th, 2018 to be dedicated as "NATIONAL POLICE WEEK" and May 15th of each year to be "NATIONAL PEACE OFFICERS MEMORIAL DAY"; and

WHEREAS, there are more than 900,000 sworn law enforcement officers serving in communities across the United States, including the dedicated members of the Otsego County Sheriff's Department; and

WHEREAS, there have been 58,627 assaults against law enforcement officers in 2016, resulting in approximately 16,677 injuries; and

WHEREAS, since the first recorded death in 1791, more than 21,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including 4 members of the Otsego County Sheriff's Department; and

WHEREAS, 394 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial, including 129 killed in 2017 and 265 officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during Washington, DC's National Law Enforcement Officers Memorial Fund's 30th Annual Candlelight Vigil, on the evening of May 13, 2018; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 13th through 19th; Otsego County's event will take place on Monday, May 15th; and

WHEREAS, May 15th is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff; and

WHEREAS, the members of law enforcement agencies protect life and property throughout the County of Otsego and play an essential role in safeguarding the rights and freedoms of our citizens; and

WHEREAS, the County of Otsego desires to honor the valor, service and dedication of its own Sheriff Deputies, especially those who have given their lives in the line of duty; and

WHEREAS, the County of Otsego further desires to recognize and appreciate the duties, hazards, and sacrifices of law enforcement personnel; and

WHEREAS, the Board of Commissioners calls upon the citizens of Otsego County to take a moment on May 15th, to remember those fallen officers who made the ultimate sacrifice for their fellow man; now, therefore, be it

RESOLVED that we proclaim the week of May 13th to May 19th to be "POLICE WEEK" and call upon all our citizens in this community to especially honor and show our sincere appreciation for the Sheriff Deputies of this County by deed, remark and attitude; and be it further

RESOLVED that the flags be flown at half-staff on May 15th during Otsego County's ceremony as well as over the weekend on May 13th in honor of Deputy Carl L. Darling, Jr., who gave his life in the line of duty on May 3, 1986; Sergeant Larry C. Washburn, who died while on duty on May 15, 1994; Deputy John K. Gunsell, who died in the line of duty on September 12, 2004; and Corrections Officer Thomas C. Bunker suffered respiratory distress following his work shift and mandatory training on July 17, 2017.