

At the regular meeting of the Shiawassee County Board of Commissioners held on Thursday, August 16, 2018 in the Commissioner Chambers, Surbeck Building, Corunna, Michigan:

The meeting was called to order by Chairman Bartz at 5:00 p.m.

Pledge of Allegiance was recited.

Invocation was offered by Commissioner Marks.

Roll Call found Commissioners: Marks, Holzhausen, Root, McMaster, Bruff and Chairman Bartz. Commissioner Coscarelli excused.

It was moved by Commissioner Root, seconded by Commissioner Marks to approve the minutes of the July 17, 2018 Board of Commissioners meeting. Motion carried.

It was moved by Commissioner Root, seconded by Commissioner Marks to approve the bills listed on the Invoice Edit Report dated July 13, 2018 in the amount of \$46,374.11, Invoice Edit Report dated July 13, 2018 in the amount of \$62,811.70 Invoice Edit report dated July 18, 2018 in the amount of \$387,794.12, Invoice Edit Report dated July 26, 2018 in the amount of \$110,493.44, Invoice Edit Report dated July 27, 2018 in the amount of \$1,330,548.62, Invoice Edit Report dated August 1, 2018 in the amount of \$650,384.84, Invoice Edit Report dated August 3, 2018 in the amount of \$817,101.73, Invoice Edit Report dated August 7, 2018 in the amount of \$689,143.65, Invoice Edit Report dated August 10, 2018 in the amount of \$228,471.52, Wire Transfers for BCBS in the amount of \$272,564.00 and MERS in the amount of \$321,989.73 and to authorize that warrants be drawn from the treasury for same. Motion carried with the following roll call vote of 6 yeas: Commissioners Holzhausen, Root, McMaster, Bruff, Marks and Bartz. 0 nays.

Matthew Shepard, Perry – Veteran Affairs Board

Troy Gordon, Owosso – MERS

It was moved by Commissioner Marks, seconded by Commissioner Root to authorize Chairman Bartz, Commissioner Root, and/or the County Coordinator to contact the City of Corunna to obtain a written draft agreement concerning leasing property from the city and disposition of certain county land at the southern edge of the city. Motion carried.

It was moved by Commissioner McMaster, seconded by Commissioner Marks to amend motion to authorize Chairman Bartz, Commissioner Root, and/or the County Coordinator to contact the City of Corunna to finalize a written agreement concerning leasing property from the city and disposition of certain county land at the southern edge of the city. Motion carried with the following roll call vote of 5 yeas: Commissioners Root, McMaster, Bruff, Marks and Bartz. 1 nay: Commissioner Holzhausen.

It was moved by Commissioner Marks seconded by Commissioner McMaster to approve the minutes of the August 15, 2018 Committee of the Whole meeting. Motion carried.

It was moved by Commissioner McMaster seconded by Commissioner Root to approve the Certifying Officer Designation form accepting responsibilities of the Certifying Officer for Shiawassee County and authorize the Board Chair to execute all necessary documents. Motion carried with the following roll call vote of 6 yeas: Commissioners McMaster, Bruff, Marks, Holzhausen, Root and Bartz. 0 nays.

It was moved by Commissioner McMaster, seconded by Commissioner Marks to approve 24 CFR 58.34, finding of Exempt Activity, Emergency Repair 6992 E. Lansing Rd and authorize the Board Chair to execute all necessary documents. Motion carried with the following roll call vote of 6 yeas: Commissioners Bruff, Marks, Holzhausen, Root, McMaster and Bartz. 0 nays.

It was moved by Commissioner McMaster, seconded by Commissioner Root to approve 24 CFR 58.34, finding of Exempt Activity, Emergency Repair 7716 Grove Ridge Road and authorize the Board Chair to execute all necessary documents. Motion carried with the following roll call vote of 6 yeas: Commissioners Bruff, Marks, Holzhausen, Root, McMaster and Bartz. 0 nays.

It was moved by Commissioner McMaster, seconded by Commissioner Bruff to adopt Resolution #18-08-08, to extend the maturity date of the Note for Misteguay Creek Intercounty Drain from 9/1/18 to 9/1/19 bearing interest at the new rate of 2.79% per annum and authorize the Board Chair to execute all necessary documents. Motion carried with the following roll call vote of 6 yeas: Commissioners Marks, Holzhausen, Root, McMaster, Bruff and Bartz. 0 nays.

At a regular meeting of the Board of Commissioners of the County of Shiawassee held on _____, 2018.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and seconded by _____:

RESOLUTION RE: Misteguay Creek Intercounty Drain Note, Series 2015

WHEREAS, proceedings have been taken by the Drainage Board for the Misteguay Creek Intercounty Drain for improvements to the Misteguay Creek Intercounty Drain (the "Project") pursuant to a petition filed with the Saginaw County Public Works Commissioner under the provisions of Chapter 8 of the Drain Code of 1956, as amended (the "Drain Code"); and

WHEREAS, in order to refinance a note previously issued by the Misteguay Creek Intercounty Drain Drainage District (the "Drainage District") in the principal amount of \$800,000 to pay for certain preliminary costs of acquiring and constructing the Project, the Drainage District issued a note on October 14, 2015 designated "Misteguay Creek Intercounty Drain Note, Series 2015" (as subsequently amended as described below, the "Note") in the principal amount of \$800,000, bearing interest at the rate of 1.49% per annum, and maturing on February 1, 2017, in anticipation of bonds (the "Bonds") to be issued by the Drainage District to provide the permanent financing for the Project; and

WHEREAS, as a result of amendments to the Note subsequent to the date of issuance thereof, the Note now bears interest at the rate of 1.89% per annum and matures on September 1, 2018; and

WHEREAS, 17.0% of the cost of the Project has been apportioned by the Drainage Board to the County of Genesee, 43.0% of such cost has been apportioned by the Drainage Board to the County of Saginaw and 40.0% of such cost has been apportioned by the Drainage Board to the County of Shiawassee (the "County"); and

WHEREAS, by resolution adopted by the Board of Commissioners of the County of Shiawassee on February 16, 2017, the County of Shiawassee pledged its limited tax

full faith and credit to the prompt payment of 40% of the principal of and interest on the Note when due on September 1, 2018; and

WHEREAS, the Bonds will not be issued on or before September 1, 2018 and as a result, at the request of the Drainage Board, the purchaser of the Note has agreed to extend the maturity date of the Note from September 1, 2018 to September 1, 2019, bearing interest at a new rate of 2.79% per annum, provided that the County of Genesee, the County of Saginaw and the County of Shiawassee each pledge its limited tax full faith and credit to the Note as extended to the extent that the cost of the Project has been apportioned to each such county; and

WHEREAS, the Project is necessary to protect and preserve the public health and it is in the best interest of the County of Shiawassee that the maturity date of the Note be extended to September 1, 2019.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF SHIAWASSEE:

1. Pursuant to the authorization provided in Section 434 of the Drain Code, the Shiawassee County Board of Commissioners, by a 2/3 vote of its members, does hereby irrevocably pledge the limited tax full faith and credit of the County of Shiawassee for the prompt payment of 40.0% of the principal of and interest on the Note when due on September 1, 2019, and does agree that in the event that the Bonds are not issued prior to September 1, 2019 and that moneys are not otherwise available to the Drainage District on such date to pay such principal and interest, the County Treasurer is directed to immediately make such advancement from general funds of the County to the extent necessary to pay the County's share of the principal of and interest on the Note when due. The ability of the County to levy taxes to pay its share of the principal of and interest on the Note shall be subject to constitutional and statutory limitations on the taxing power of the County.

2. In the event that, pursuant to said pledge of full faith and credit, the County of Shiawassee advances out of County funds, any part of the principal of and interest due on the Note, it shall be the duty of the County Treasurer, for and on behalf of the County of Shiawassee, to take all actions and proceedings and pursue all remedies permitted or authorized by law for the reimbursement of such sums so paid.

3. This resolution shall become effective only if the Board of Commissioners of the County of Genesee and the Board of Commissioners of the County of Saginaw each adopt a resolution substantially in the form of this resolution that pledges the limited tax full faith and credit of each respective county to the payment of the principal of and interest on the Note when due on September 1, 2019 to the extent of its apportioned share of the cost of the Project.

4 All resolutions and part of resolutions, insofar as the same may be in conflict with the provisions of this resolution, are hereby rescinded.

ADOPTED: Yeas: _____

Nays: _____

STATE OF MICHIGAN)
) SS
COUNTY OF SHIAWASSEE)

I, the undersigned, the duly qualified and acting County Clerk of the County of Shiawassee, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by a 2/3 vote of the members of the Shiawassee County Board of Commissioners at a regular meeting of said Board of Commissioners held on _____, 2018, the original of which is on file in my office.

I further certify that notice of the meeting was given in accordance with the Open Meetings Act.

County Clerk
County of Shiawassee

It was moved by Commissioner McMaster, seconded by Commissioner Holzhausen to adopt Resolution #18-08-09 to rescind the Moratorium of the Issuance of Permits or Approvals for Wind Energy Conversion Systems, Ordinance #18-07-06, that was adopted by this Board at its July 17, 2018 meeting. Motion carried with the following roll call vote of 6 yeas: Commissioners Holzhausen, Root, McMaster, Bruff, Marks and Bartz. 0 nays.

**STATE OF MICHIGAN
SHIAWASSEE COUNTY**

RESOLUTION No. 18-08-09

A RESOLUTION TO RESCIND MORATORIUM ON THE ISSUANCE OF PERMITS OR APPROVALS FOR WIND ENERGY CONVERSION SYSTEMS, ORDINANCE #18-07-06, ENACTED ON JULY 17, 2018.

WHEREAS:

1. On June 14, 2018, the Shiawassee County Board of Commissioners duly adopted Ordinance No. 18-06-01 amending the Shiawassee County Zoning Ordinance to allow for Wind Energy Conversion Systems with certain specific provisions; and
2. Within seven days of the publication of the above Ordinance, a petition was duly filed with the County Clerk for the seeking of sufficient signatures to compel a referendum vote on the newly-adopted zoning ordinance; and
3. With the petition and possibility of a referendum vote creating uncertainty as to the ultimate status of the newly-adopted zoning Ordinance, the Board determined that imposing a moratorium upon the issuance of any permits, licenses or approvals for any wind energy conversion systems on a limited temporary basis was reasonable and necessary in order to allow for the resolution of the petition by lack of sufficient valid signatures to compel a referendum vote, or, if sufficient voter signatures be obtained, than by the result of the referendum vote to follow; and

4. The Board therefore did impose a temporary Moratorium upon the issuance of any permits, licenses or approvals for any wind energy conversion systems by adoption of Ordinance 18-07-06 at its July 17, 2018 Meeting; and

5. The petition now having been ultimately resolved by failure of the petitioner to obtain sufficient valid signatures to compel a referendum vote:

THEREFORE BE IT RESOLVED:

The Moratorium imposed upon the issuance of any permits, licenses or approvals for wind energy conversion systems, Ordinance #18-07-06 adopted July 17, 2018, is hereby rescinded and repealed.

This Resolution was adopted by the Shiawassee County Board of Commissioners on _____.

Commissioners voting "Yes":

Commissioners voting "No":

Date

Jeffrey R. Bartz, Chairman
Shiawassee County Board of Commissioners

It was moved by Commissioner McMaster, seconded by Commissioner Root to approve the minutes of the August 13, 2018, Economic and Physical Development Committee meeting. Motion carried.

It was moved by Commissioner Root, seconded by Commissioner Marks to approve the renewal with changes of the 5-year contract with Brady's Business Systems for use and maintenance of county printers/copiers/fax and scan, and authorize the Coordinator to execute the documents. Motion carried with the following roll call vote of 6 yeas: Commissioners Root, McMaster, Bruff, Marks, Holzhausen and Bartz. 0 nays.

It was moved by Commissioner Root, seconded by Commissioner McMaster to relieve Central Dispatch of all payments for the unfunded liability portion of the county's MERS pension funds until at least October 31, 2018, to allow time to determine the proper assessment. Motion carried with the following roll call vote of 5 yeas: Commissioners McMaster, Bruff, Marks, Holzhausen and Root. 1 nay: Commissioner Bartz.

It was moved by Commissioner Root, seconded by Commissioner McMaster to authorize a comprehensive historical audit to determine Central Dispatch's obligation for unfunded liability in the MERS pension funds. Motion withdrawn by Commissioner Root.

It was moved by Commissioner Root, seconded by Commissioner McMaster to authorize Central Dispatch to conduct a comprehensive historical audit of the 911 dispatcher's retirement from date determined by audit to present, not to exceed \$20,000. Motion carried with the following roll call vote of 6 yeas: Commissioners Bruff, Marks, Holzhausen, Root, McMaster and Bartz. 0 nays.

It was moved by Commissioner Root, seconded by Commissioner Marks to authorize budget amendment #18-05. Motion carried with the following roll call vote of 6 yeas: Commissioners Bruff, Marks, Holzhausen, Root, McMaster and Bartz. 0 nays.

It was moved by Commissioner Root, seconded by Commissioner Marks to approve the minutes of August 13, 2018, Finance and Administration Committee meeting. Motion carried.

It was moved by Commissioner Holzhausen, seconded by Commissioner Bruff to authorize implementation of the Shiawassee County Compliance Plan for Indigent Defense Standards 1-4 and authorize the Coordinator to seek qualified candidates for review and selection by the Board of Commissioners to fill the newly created office of Public Defender, Salary Grade 12, \$69,659 - \$78,748, to take office on or about October 1, 2018. Motion carried with the following roll call vote of 4 yeas: Commissioners Holzhausen, McMaster, Bruff and Bartz. 2 nays: Commissioners Marks and Root.

It was moved by Commissioner Holzhausen, seconded by Commissioner Root to approve the minutes of the August 14, 2018, Public Safety and Courts Committee meeting. Motion carried.

It was moved by Commissioner Root, seconded by Commissioner Holzhausen to accept the Shiawassee County Council on Aging board-approved budget proposal for 2019 subject to modifications in the County budget process. Motion carried with the following roll call vote of 5 yeas: Commissioners Holzhausen, Root, Bruff, Marks and Bartz. 1 nay: Commissioner McMaster.

It was moved by Commissioner Root, seconded by Commissioner Holzhausen to authorize the Health Department to hire a Registered Dietitian at Salary Grade 8, \$40,497.60 - \$52,644.80 to fill a vacancy. Motion carried with the following roll call vote of 6 yeas: Commissioners Root, McMaster, Bruff, Marks, Holzhausen and Bartz. 0 nays.

It was moved by Commissioner Root, seconded by Commissioner Holzhausen to authorize the Health Department to enter into an agreement with Owosso Public Schools for school nursing services at Lincoln High School for school year 2018 – 2019, and authorize Larry Johnson, Health Director, to sign all necessary documents. Motion carried.

It was moved by Commissioner Root, seconded by Commissioner Holzhausen to appoint Dan Smith to the Veterans Affairs Committee to fill a vacancy, effective immediately and expiring on 12/31/20. Motion carried.

It was moved by Commissioner Root, seconded by Commissioner Holzhausen to approve the minutes of the August 14, 2018, Health and Human Services Committee meeting. Motion carried.

Chairman Bartz thanked everyone involved in the Indigent Department process and resolving the MERS issue.

Commissioner Root gave support to Commissioner Bruff on the Zoning and Planning Commission Chair being accountable.

Guy Hubbard, Perry – 911 MERS
Meeting adjourned at 6:03 p.m.

Caroline D. Wilson, County Clerk