

At the regular meeting of the Shiawassee County Board of Commissioners held on Thursday, August 15, 2019 in the Commissioner Chambers, Surbeck Building, Corunna, Michigan:

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

Pledge of Allegiance was recited.

Invocation was offered by Commissioner Marks.

Roll Call found Commissioners: Webster, Holzhausen, McMaster, Garber, Marks, Plowman, and Chairman Root present.

Chairman Root announced the retirement of County Treasurer, Tom Dwyer, effective August 30, 2019.

It was moved by Commissioner Marks, seconded by Commissioner Plowman to approve the minutes of the July 18, 2019, Board of Commissioners meeting. Motion carried.

It was moved by Commissioner Plowman, seconded by Commissioner Holzhausen to approve the bills listed on the Invoice Edit Report dated July 18, 2019 in the amount of \$606,014.38, Invoice Edit Report dated July 18, 2019 in the amount of \$321,720.60, Invoice Edit report dated July 23, 2019 in the amount of \$22,263.99, Invoice Edit Report dated July 24, 2019 in the amount of \$310,945.38, Invoice Edit Report dated August 1, 2019 in the amount of \$1,366,073.58, Invoice Edit Report dated August 1, 2019 in the amount of \$281,050.08, Invoice Edit Report dated August 8, 2019 in the amount of \$218,796.69, Invoice Edit Report dated August 8, 2019 in the amount of \$1,150,811.77, and Wire Transfer for BCBS in the amount of \$179,602.00 on August 1, 2019, Wire Transfer for SunLife in the amount of \$4,470.64 on August 1, 2019, Wire Transfer for MERS for July in the amount of \$242,007.58 on August 9, 2019 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, McMaster, Garber, Marks, Plowman and Chairman Root. 1 nay: Commissioner Webster.

Michael McComb, Owosso – Bennington Township rezoning.

Bill Newman, Owosso – Bennington Township rezoning.

Jason Gardiner, Ohio – Bennington Township rezoning.

Danny Miller, Owosso – MERS and Retirement of County Treasurer.

Angela Norling, 911 Director – 911 Surcharge and Budget.

John Lau, Owosso – Bennington Township rezoning.

It was moved by Commissioner McMaster, seconded by Commissioner Webster to adopt Ordinance #19-08-02 to amend the Shiawassee County Zoning Map for property located in Section 33 of Bennington Township, (Parcel ID #010-33-200-003-04) from A-2, Agricultural Production/Rural Residential to M-1, Light Industrial and authorize the Board Chair to execute all necessary documents. Motion carried with the following roll call vote of 5 yeas: Commissioners McMaster, Marks, Webster, Holzhausen and Chairman Root. 2 nays: Commissioners Garber and Plowman.

Ordinance No. #19-08-02
ORDINANCE OF
THE COUNTY OF SHIAWASSEE

At a regular meeting of the Shiawassee County Board of Commissioners held at 5:00 P.M. on August 15, 2019, in the Commissioner’s Chambers located on the 1st Floor of the Surbeck Building, 201 N Shiawassee St., Corunna, Michigan, at which time the following members were present:

Commissioner _____ moved, supported by Commissioner _____, to adopt the following to amend the Shiawassee County Zoning Ordinance.

PREAMBLE: The Shiawassee County Zoning Ordinance (“Ordinance”) as adopted by the Board of Commissioners of the County of Shiawassee, pursuant to Public Act 183 of 1943 (as amended and replaced by Public Act 110 of 2006, as also amended), may be amended following the procedures outlined in said Ordinance and in compliance with Public Act 110 of 2006, as amended.

WHEREAS: Jason Gardiner filed a petition and paid all applicable fees to rezone a parcel of land from A-2, Agricultural Production/Rural Residential to M-1, Light Industrial, which is located in Section 33 of Bennington Township (Parcel Id.# 010-33-200- 003-04) and legally described as follows:

010-33-200-003-04: SEC 33, T6N, R2E COM AT E ¼ POST OF SEC, W ALG E&W ¼ LN 330 FT, N 209.02 FT, E 330 FT TO E SEC LN, S 210 FT TO BEG. 1.5 ACRES

WHEREAS: The Shiawassee County Planning Commission held a duly advertised and noticed public hearing on July 24, 2019 considering the request; and

WHEREAS: Upon reviewing the request, reviewing conditions offered by the applicant, accepting comment at the public hearing, and deliberating the findings of fact as set forth in Article 19, Section 19.5 of the Ordinance, the Shiawassee County Planning Commission recommended approval of the request to the Shiawassee County Board of Commissioners;

THEREFORE BE IT RESOLVED: The Shiawassee County Board of Commissioners, having considered the recommendation and findings of the Shiawassee County Planning Commission and having reviewed the request of the applicant, ordains to amend the official Zoning Map (Article 2, Section 2.1.2) of the Ordinance by changing the zoning designation of the above referenced property from A-2, Agricultural Production/Rural Residential to M-1, Light Industrial, with the following conditions as offered by the applicant: The subject property shall be utilized for cold storage only; trees utilized as buffer shall be maintained for the life of the use; all lighting shall be down directed and located along the western portion of the site; and there shall be no overnight storage of trucks and/or hauling vehicles.

THOSE VOTING AYE:

_____	_____
_____	_____
_____	_____
_____	_____

THOSE VOTING NAY:

_____	_____
_____	_____
_____	_____
_____	_____

THOSE ABSENT:

Amendment # _____ to the Shiawassee County Zoning Ordinance and Official Zoning Map was adopted.

Jeremy R. Root, Chairperson
Board of Commissioners, Shiawassee County, Michigan

I, Jeremy R. Root, Chairperson of the Shiawassee County Board of Commissioners, do hereby certify that the above ordinance to amend the Shiawassee County Zoning Ordinance and Official Zoning Map is a true and correct copy of that recorded in the official minutes of the August 15, 2019 Shiawassee County Board of Commissioners meeting.

Caroline Wilson, Clerk
Shiawassee County, Michigan

I, Caroline Wilson, Clerk of Shiawassee County, hereby certify that the above ordinance to amend the Shiawassee County Zoning Ordinance and the Official Zoning Map is a true and correct copy of that recorded in the official minutes of the August 15, 2019 Shiawassee County Board of Commissioners meeting.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Circuit Court this _____ day of _____, 2019.

It was moved by Commissioner McMaster, seconded by Commissioner Holzhausen to approve the minutes of the August 12, 2019, Economic and Physical Development Committee meeting. Motion carried.

It was moved by Commissioner Plowman, seconded by Commissioner Garber to approve the formal request of the State 911 Committee (SNC) for the return of \$458,913.30 in MERS pension funding that was over-assessed from the Shiawassee County 911 Fund in previous

budget years to be paid as determined by the Board. Motion carried with the following roll call vote of 7 yeas: Commissioners: Garber, Marks, Plowman, Webster, Holzhausen, McMaster and Chairman Root. 0 nays.

It was moved by Commissioner Plowman, seconded by Commissioner Holzhausen to authorize the replacement of an existing main server unit at a cost of \$7,101 as part of the IT Department's 5-year rotation plan and to complete the virtualization of some remaining standalone servers. Motion carried with the following roll call vote of 7 yeas: Commissioners Marks, Plowman, Webster, Holzhausen, McMaster, Garber and Chairman Root. 0 nays.

It was moved by Commissioner Plowman, seconded by Commissioner Holzhausen to approve up to \$6,640 to remove and replace the compressor and drier core of one of the air conditioning units at the District Court Building. Motion carried with the following roll call vote of 7 yeas: Commissioners Plowman, Webster, Holzhausen, McMaster, Garber, Marks and Chairman Root. 0 nays.

It was moved by Commissioner Plowman, seconded by Commissioner Webster to approve up to \$10,554 (\$5,277 each) to remove and replace obsolete door drives on two elevators (Circuit Court and Capitan Building) with new IDD door drives; includes all engineering, material and labor. Motion carried with the following roll call vote of 7 yeas: Commissioners Webster, Holzhausen, McMaster, Garber, Marks, Plowman and Chairman Root. 0 nays.

It was moved by Commissioner Plowman, seconded by Commissioner Marks to adopt Resolution #19-08-10 pledging the County's full faith and credit to the repayment of the County's share (40%) of the "Misteguay Creek Intercounty Drain Note, Series 2015" on January 1, 2020 in the event that a pending Bond issue is not completed by that date. [2/3 vote required] Motion carried with the following roll call vote of 5 yeas: Commissioners Garber, Marks, Plowman, Webster and Chairman Root. 2 nays: Commissioners Holzhausen and McMaster.

Resolution #19-08-10

Drain Note, Series 2015

At a regular meeting of the Board of Commissioners of the County of Shiawassee held on August 15, 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 2.79% per annum and matures on September 1, 2019; and

WHEREAS, 17.0% of the principal of and interest due on the Note has been apportioned by the Drainage Board to the County of Genesee, 43.0% of such principal and interest has been apportioned by the Drainage Board to the County of Saginaw and 40.0% of such principal and interest 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 August 16, 2018, 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, 2019; and

WHEREAS, the Bonds will not be issued on or before September 1, 2019 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, 2019 to January 1, 2020, bearing interest at the current 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 principal of and interest on the Note has been apportioned to each such county; and

WHEREAS, it is anticipated that the Bonds will be issued on or before October 1, 2019 and that the Note will be prepaid from the proceeds of the Bonds upon the issuance thereof; 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 January 1, 2020.

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 January 1, 2020, and does agree that in the event that the Bonds are not issued prior to January 1, 2020 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 January 1, 2020 to the extent of its apportioned share of the principal of and interest on the Note.

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 August 15, 2019, 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 Plowman, seconded by Commissioner Garber to adopt Resolution #19-08-11 pledging the County's full faith and credit for the prompt payment, when due, of the County's share (36%) of the principal and interest schedule of the proposed pending issue of the "Misteguay Creek Intercounty Drain Bonds, Series 2019" for improvements to the Misteguay Creek Intercounty Drain. [4 votes required] Motion carried with the following roll call vote of 5 yeas: Commissioners Garber, Marks, Plowman, Webster and Chairman Root. 2 nays: Commissioners Holzhausen and McMaster.

Resolution #19-08-11
Drain Bonds, Series 2019

At a regular meeting of the Board of Commissioners of the County of Shiawassee held on August 15, 2019.

PRESENT: _____

ABSENT: _____

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

RESOLUTION RE: Misteguay Creek Intercounty Drain Bonds, Series 2019

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 defray the cost of the Project, the Drainage Board has authorized and provided for the issuance by the Misteguay Creek Intercounty Drain Drainage District (the “Drainage District”) of bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$8,405,000, bearing interest at a rate not to exceed 6.0% per annum, and maturing not later than June 1, 2039, in anticipation of the collection of an equal amount of special assessments against property and public corporations (including the County of Shiawassee) in the Counties of Genesee, Saginaw and Shiawassee in the Drainage District, said special assessments having been duly confirmed as provided in the Drain Code; and

WHEREAS, the Computation of Cost for the Project sets forth an estimated cost of \$8,405,000, which includes \$8,329,700 (the “Base Project”) to be allocated among the County of Genesee, the County of Saginaw and the County of Shiawassee as hereinafter provided and \$75,300 to be allocated to the County of Saginaw as a supplemental benefit (the “Supplemental Benefit”); and

WHEREAS, 18% of the cost of the Base Project has been apportioned by the Drainage Board to the County of Genesee, 46% of the cost of the Base Project and 100% of the cost of the Supplemental Benefit have been apportioned by the Drainage Board to the County of Saginaw and 36% of the cost of the Base Project has been apportioned by the Drainage Board to the County of Shiawassee; and

WHEREAS, the Drainage Board deems it advisable and necessary to obtain from this Board a resolution consenting to the pledge of the limited tax full faith and credit of the County of Shiawassee on the Bonds to the extent of special assessments assessed against property and public corporations in the County of Shiawassee; 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 Bonds be sold.

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

1. Pursuant to the authorization provided in Sections 132 and 276 of the Drain Code, the Shiawassee County Board of Commissioners, by a majority vote of its members elect, does hereby irrevocably pledge the limited tax full faith and credit of the County of Shiawassee for the prompt payment of the principal of and interest on the Bonds to the extent of special assessments against property and public corporations in the County of Shiawassee, and does agree that in the event that property owners or public corporations in the County of Shiawassee shall fail or neglect to account to the Shiawassee County Treasurer for the amount of any such special assessment installment and interest (in anticipation of which the Bonds are issued) when due, then the amount thereof shall be immediately advanced from County of Shiawassee funds, and the Shiawassee County Treasurer is directed to immediately make such advancement to the extent necessary. The ability of the County of Shiawassee to levy taxes to pay its share of the principal of and interest on the Bonds 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 Bonds, it shall be the duty of the Shiawassee 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. The Shiawassee County Treasurer is hereby authorized, if necessary, to execute a certificate of the County of Shiawassee to comply with the continuing disclosure undertaking of the County of Shiawassee with respect to the Bonds pursuant to paragraph (b)(5) of SEC Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure

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 Plowman, seconded by Commissioner Webster to authorize \$5,000 in matching funds for a \$25,000 Department of Environmental Quality grant fund to establish two permanent locations for conducting monthly electronic waste recycling events. Motion carried with the following roll call vote of 7 yeas: Commissioners Garber, Marks, Plowman, Webster, Holzhausen, McMaster and Chairman Root. 0 nays.

It was moved by Commissioner Plowman, seconded by Commissioner Webster to authorize the quarterly disbursement to Mid-State Health Network in the amount of \$48,266.50 from Shiawassee County in accordance with P.A. 2 of 1986 “Cobo Hall Convention Facility” or “Liquor Tax” funds, and authorize the Board Chair to execute all necessary documents. Motion carried with the following roll call vote of 7 yeas: Motion carried with the following roll call vote of 7 yeas: Commissioners Marks, Plowman, Webster, Holzhausen, McMaster, Garber and Chairman Root. 0 nays.

It was moved by Commissioner Plowman, seconded by Commissioner Holzhausen to authorize Commissioner Marks to attend the White House Office of Intergovernmental Affairs “Kentucky-Michigan-Ohio Regional State Leadership Conference” in Washington D.C. on October 3-4, 2019. (This is for travel expenses only – there is no charge for the conference.) Motion carried with the following roll call vote of 7 yeas: Commissioners Plowman, Webster, Holzhausen, McMaster, Garber, Marks and Chairman Root. 0 nays.

It was moved by Commissioner Plowman, seconded by Commissioner Webster to pay the \$458,913.30 in MERS pension funding that was over-assessed from the Shiawassee County 911 Fund in previous budget years by September 2, 2019. Motion carried with the following roll call vote of 5 yeas: Commissioners Webster, McMaster, Garber, Marks and Plowman 2 nays: Commissioner Holzhausen and Chairman Root.

It was moved by Commissioner Plowman, seconded by Commissioner Webster to approve the minutes of the August 12, 2019, Finance and Administration Committee meeting. Motion carried.

It was moved by Commissioner Garber, seconded by Commissioner Holzhausen to authorize the Health Department to hire a Registered Environmental Health Sanitarian at Salary Grade 9, \$43,534.40 - \$56,596.80 (Starting: \$43,534.40 - \$51,708.80) to fill a vacancy. Motion carried with the following roll call vote of 7 yeas: Commissioners Holzhausen, McMaster, Garber, Marks, Plowman, Webster and Chairman Root. 0 nays.

It was moved by Commissioner Garber, seconded by Commissioner Webster to authorize the Health Department to hire a Nutrition Program (WIC) Coordinator – Registered Dietitian at Salary Grade 9, \$43,534.40 - \$56,596.80 to fill a vacancy. Motion carried with the following roll call vote of 7 yeas: Commissioners McMaster, Garber, Marks, Plowman, Webster, Holzhausen and Chairman Root. 0 nays.

It was moved by Commissioner Garber, seconded by Commissioner Webster to appoint Joy Welty to the Shiawassee County Health Board to fill a vacancy, effective immediately and expiring 12/31/21, or until a successor is appointed, and authorize the Board Chair or Coordinator to execute necessary documents. Motion carried.

It was moved by Commissioner Garber, seconded by Commissioner Holzhausen to authorize MSU Extension up to \$20,000 for the cost of a build-out and moving expenses to be paid out of the MSU Extension fund balance. Motion carried with the following roll call vote of 7 yeas: Commissioners Garber, Marks, Plowman, Webster, Holzhausen, McMaster and Chairman Root. 0 nays.

It was moved by Commissioner Garber, seconded by Commissioner Plowman to approve the minutes of the August 13, 2019, Health and Human Services Committee meeting. Motion carried.

It was moved by Commissioner Marks, seconded by Commissioner Webster to set a Public Hearing for Thursday, October 10, 2019 at the Board of Commissioner's meeting at 5:00 p.m. to discuss a possible expansion of the Road Commission Board from three members to five members. Motion carried with the following roll call vote of 6 yeas: Commissioners Marks, Plowman, Webster, McMaster, Garber and Chairman Root. 1 nay: Commissioner Holzhausen.

It was moved by Commissioner Marks, seconded by Commissioner Garber to approve the minutes of the August 14, 2019, Committee of the Whole meeting. Motion carried.

Caroline Wilson, County Clerk – announced no November 5, 2019 election, ballot language deadline for the Presidential Primary election on March 10, 2020 is December 17, 2019 at 4:00 p.m., microphones for Commissioners as public is viewing meetings on-line, retirement notice from County Treasurer, Tom Dwyer.

Alan Sorenson, Owosso – Treasurer's office
Meeting adjourned at 6:18 p.m.

Caroline D. Wilson, County Clerk