

Board Conference Room  
August 9, 2018  
Board of Commissioners Minutes

The regular meeting of the Oceana County Board of Commissioners was called to order by Chairperson Powers in the Board Conference Room on Thursday, August 9, 2018 at 11:30 a.m.

Roll was called by the Clerk. Present: Mr. Brown, Mr. Byl, Mr. Gustafson, Ms. Meyette, Mr. Sebolt, Mr. Walker and Mr. Powers. Absent: None.

Moved by Mr. Gustafson and seconded by Mr. Walker to approve the minutes of the July 19, 2018 meeting as presented. Voice vote. Motion carried.

Chairperson Powers introduced Ms. Lynne Latner, the new Hart City Manager. Ms. Latner was hired to replaced the former City Clerk, Mr. Stan Rickard.

**RESOLUTION NO. 1 – APPROVAL OF AGREEMENTS WITH LIFE EMS**

Moved by Mr. Sebolt and seconded by Mr. Gustafson to approve a **Paramedic Ambulance Service Agreement; a Paramedic Ambulance Vehicle and Equipment Lease Agreement; and a Real Estate Lease Agreement** between Oceana County and Life EMS of Ionia County, Inc., as presented. The Chairperson of the Board of Commissioners is authorized to sign all necessary documents.

Roll call vote: Mr Sebolt-yes; Mr. Gustafson-yes; Mr. Walker-yes; Ms. Meyette-yes;  
Mr. Brown-no; Mr. Byl-yes; and, Mr. Powers-yes.

Motion carried.

**RESOLUTION NO. 2 – REAPPOINTMENTS TO CONSTRUCTION BOARD OF APPEALS**

Moved by Mr. Brown and seconded by Mr. Byl to reappoint the following individuals to the Oceana County Construction Board of Appeals for five-year terms effective August 1, 2018 and expiring July 31, 2023:

- Mr. Bill Adams, 2790 W. Tyler Road, Hart, MI
- Mr. Mike Blackmer, 3910 E. Monroe Road, Hart, MI

Voice vote. Motion carried.

**RESOLUTION NO. 3 – REAPPOINTMENTS TO THE OCEANA COUNTY LAND BANK BOARD**

Moved by Ms. Meyette and seconded by Mr. Sebolt to reappoint the following individuals to the Oceana County Land Bank Board for three-year terms effective October 1, 2018 and expiring September 30, 2021:

- Mr. James Yancey, 211 E. Laurel Road, Walkerville, MI
- Mr. Randy Miller, 3021 VanBuren Road, Hart, MI
- Mr. John Hendrixon, 367 S. 72<sup>nd</sup> Avenue, Shelby, MI

Voice vote. Motion carried.

**RESOLUTION NO. 4 – APPROVAL FOR REMOVAL OF ECONOMIC DEVELOPMENT CORPORATION BOARD MEMBER**

Moved by Mr. Gustafson and seconded by Mr. Walker to approve the recommendation of the Oceana County Economic Development Corporation (EDC) Board of Directors to remove Ms. Chelsea Stratil, former Village of Shelby manager, from the Oceana County Economic Development Corporation Board of Directors effective immediately.

Voice vote. Motion carried.

**RESOLUTION NO. 5 – APPROVAL TO JOIN CLASS ACTION LAWSUIT**

Moved by Mr. Walker and seconded by Mr. Byl to authorize the County Administrator to opt-in to a class action lawsuit initiated by Kane County, Utah alleging that the federal government has underpaid counties related to the Payments in Lieu of Taxes program. The Chairperson of the Board of Commissioners is authorized to sign all necessary documents.

Roll call vote: Mr. Walker-yes; Mr. Byl-yes; Mr. Sebolt-yes; Mr. Brown-yes; Ms. Meyette-yes; Mr. Gustafson-yes; and, Mr. Powers-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 6 – APPROVAL TO ESTABLISH AND PROVIDE FOR THE GOLDEN TOWNSHIP SILVER LAKE SEWER PROJECT**

Moved by Mr. Byl and seconded by Mr. Gustafson to adopt the following resolution:

WHEREAS, Act 185 of the Public Acts of Michigan of 1957, as amended ("Act 185") authorizes a county, acting through its Department of Public Works, upon the request of a local unit of government to acquire, improve, enlarge and extend sewage disposal systems and water supply systems in said local unit of government; and

WHEREAS, the County of Oceana (the "County") has (a) established a Department of Public Works under the terms of Act 185 with authority to acquire, improve, enlarge, and extend sewage disposal systems and water supply system improvements for local units of government within the County and (b) appointed a Board of Public Works in accordance with Act 185; and

WHEREAS, the Township Board of the Township of Golden (the "Township") has determined that it is necessary for the public health, safety, and welfare of the Township to acquire, construct, and finance a sanitary sewer collection and treatment system to serve the Silver Lake area including appurtenant facilities thereto, and necessary rights of way and interests in land (together, the "Project") at a current pre-design estimated cost of \$23,600,000; and

WHEREAS, the Township, by resolution adopted July 10, 2018, has requested the County's assistance with the acquisition, construction and financing of the Project pursuant to Act 185; and

WHEREAS, the Township and the County have been notified by the United States Department of Agriculture – Rural Development ("USDA-RD") of possible loan and grant financing to fund all or a part of the cost of the Project; and

WHEREAS, it is necessary and in the best interest of the County and the Township to have the County submit an application to USDA-RD for loan and grant financing for the Project; and

WHEREAS, the Board of Public Works, having considered the proposed Project, has recommended that the County Board of Commissioners provide the requested assistance pursuant to Act 185 and adopt this resolution.

**NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:**

1. The Board of Commissioners of the County, by a majority vote of its members-elect, hereby authorizes and directs that there be established under the provisions of Act 185 and other applicable state law, a County sanitary sewage disposal system to provide for the Project as shall be deemed necessary or desirable to serve the Township.

2. The sewage disposal system shall be known as the "Silver Lake Area Sanitary Sewer System" and the area to be served thereby shall be known as the "Silver Lake Area Sanitary Sewer District."

3. The County Administrator is hereby authorized and directed to submit an application to USDA-RD for loan and grant financing for the Project and the filing of such an application with USDA-RD is hereby approved, ratified and confirmed.

4. The Board of Public Works is hereby directed to obtain and submit to this Board for approval, maps, plans, design specifications and estimates of cost for the Project as requested by the Township in its resolution addressed to the County and to negotiate and to submit to this Board for approval, a contract (the "Contract") with the Township with respect to the acquisition, construction, operation, maintenance and financing of the Project, which Contract shall be binding upon the County only upon subsequent approval by majority vote of the members-elect of the Board of Commissioners.

5. As requested by the Township, the County and the Board of Public Works shall employ the following professional firms in connection with the Project:

As bond counsel: Mika Meyers PLC  
Grand Rapids, Michigan

As financial advisor: Bendzinski & Co.  
Detroit, Michigan

The County acknowledges that the following professional firm has been retained by the Township in connection with the Project:

As engineers: Fleis & VandenBrink  
Grand Rapids, Michigan

6. The County and the Board of Public Works shall cooperate with the Township, so that there may be issued as promptly as possible in accordance with the Contract, County Bonds in one or more series in an amount sufficient to pay the cost of the Project, currently estimated in the amount of \$23,600,000. Said Bonds shall be retired solely out of payments to be made by the Township to the County in amounts fully sufficient to meet all principal and interest requirements thereon. The full faith and credit of the County may be pledged, by subsequent resolution of the Board of Commissioners adopted by a 3/5 majority vote of its members-elect, as additional secondary security for the Bonds.

7. The Township, in accordance with its July 10, 2018 resolution, shall reimburse the County and/or the Board of Public Works for all expenses incurred in connection with the Project in the event that the Project, for any reason, is not completed.

8. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

Roll call vote: Mr. Byl-yes; Mr. Gustafson-yes; Ms. Meyette-yes; Mr. Walker-yes; Mr. Sebolt-yes; Mr. Brown-yes; and, Mr. Powers-yes. Absent: None.

Motion carried.

**RESOLUTION NO. 7 – APPROVAL OF DRAIN COMMISSION PROJECT COSTS AND SPECIAL ASSESSMENT ROLL**

Moved by Mr. Byl and seconded by Mr. Walker to adopt the following resolution:

WHEREAS, pursuant to Part 307 of Act 451, Public Acts of Michigan, 1994, as amended ("Part 307"), the Oceana County Circuit Court, (i) by order dated October 2, 1995, established the normal lake level of Silver Lake in the Township of Golden in the County of Oceana to be 586.4 feet between May 1 and November 1 and 585.9 feet between November 1 and May 1 of each year; and (ii) confirmed the boundaries of the special assessment district (the "Special Assessment District") for the purpose of establishing and maintaining the lake level; and

WHEREAS, the Oceana County Board of Commissioners has appointed the Oceana County Drain Commissioner (the "Drain Commissioner") as the "delegated authority" within the meaning of Part 307 to take such actions as are necessary to maintain the normal level of Silver Lake; and

WHEREAS, acting as the delegated authority, the Drain Commissioner has caused to be prepared a computation of cost of the improvements necessary to maintain the normal level of Silver Lake (the "Project") in the amount of \$207,339.96 and has prepared a special assessment roll assessing such amount against public corporations, privately owned parcels of land and state owned lands as authorized in Part 307 in the Special Assessment District that benefit from the Project (the "Assessed Parties"); and

WHEREAS, pursuant to notice given as required by Part 307, the Drain Commissioner has held a hearing on the cost of the Project and the special assessment roll to be held on August 8, 2018, and, following the hearing, approved the cost of the Project and the special assessment roll; and

WHEREAS, the Drain Commissioner has proposed that the Special Assessment District issue bonds in the principal amount of not to exceed \$207,339.96 (the "Bonds") to pay all or part of the cost of the Project and that the County pledge its full faith and credit to the payment of the Bonds; and

WHEREAS, Part 307 requires that the Board of Commissioners approve the cost of the Project and the special assessment roll by resolution and also approve the issuance of the Bonds by the Special Assessment District.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF OCEANA, as follows:

1. The Special Assessment District shall be designated and hereafter referred to as the "Silver Lake Level Special Assessment District."
2. The appointment of the Drain Commissioner as the "delegated authority" within the meaning of Part 307 and the actions of the Drain Commissioner as delegated authority to date are all ratified and confirmed.
3. The cost of the Project and the special assessment roll for the Special Assessment District, in the forms presented to this meeting, are hereby approved.
4. The Board of Commissioners hereby approves the issuance of the Bonds by the Special Assessment District pursuant to Part 307 to pay all or part of the cost of the Project, the Bonds to be payable from the special assessments for the Project, and authorizes the Drain Commissioner to take all actions on behalf of the Special Assessment District as are necessary to issue and sell the Bonds as provided in Part 307. The special assessment roll shall be payable in one or more installments in amounts sufficient to pay the principal of and interest on the Bonds.
5. Pursuant to the authorization provided in Section 30705 of Part 307, provided that the Bonds are issued in a principal amount not to exceed \$207,339.96 the Oceana County Board of Commissioners, by a two-thirds (2/3) vote of its members elect, does hereby irrevocably pledge the full faith and credit of the

County of Oceana for the prompt payment of the principal of and interest on the Bonds, and does agree that in the event that Assessed Parties shall fail or neglect to account to the County Treasurer of the County of Oceana 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 funds, and the County Treasurer is directed to immediately make such advancement to the extent necessary.

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

7. The Chairperson of the County Board of Commissioners, County Administrator, Clerk, Treasurer, or any other County official, or any one or more of them is authorized to take all actions and sign all agreements, documents and certificates necessary for the issuance of the Bonds, including the filing of an application for approval of the Bonds with the Michigan Department of Treasury.

8. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded to the extent of the conflict.

Roll call vote: Mr. Byl-yes; Mr. Walker-yes; Mr. Gustafson-yes; Mr. Brown-yes; Mr. Sebolt-yes; Ms. Meyette-yes; and, Mr. Powers-yes. Absent: None.

Motion carried.

#### **RESOLUTION NO. 8 – AWARD OF AIRPORT RUNWAY REHABILITATION PROJECT**

Moved by Mr. Brown and seconded by Mr. Walker to recommend the award of the airport's rehabilitation of runway 9/27, taxiways, terminal apron, taxi streets to Ameriseal of Ohio, Inc., 200 Weller Drive, Smithville, OH 44677 in the amount of \$487,663.20.

Further, the construction Phase Services Agreement for the scope of work described above will be provided by Prein & Newhof for a fixed fee of \$22,500.

Oceana County's maximum share of all costs is 5% or \$25,508.

Roll call vote: Mr. Brown-yes; Mr. Walker-yes; Ms. Meyette-yes; Mr. Byl-yes; Mr. Sebolt-yes; Mr. Gustafson-yes; and Mr. Powers-yes. Absent: None.

Motion carried.

#### **RESOLUTION NO. 9 – AUTHORIZATION TO CONTINUE PER DIEM TO EMS SUPERVISORS**

Moved by Mr. Gustafson and seconded by Mr. Walker to authorize the continuation of a \$300 per month taxable management per diem to each EMS Supervisor, Mr. Dan Yost and Mr. Chris Schoenherr, to compensate the supervisors for the additional management-level work being performed. Compensation shall be for the months of August and September 2018.

Roll call vote: Mr. Gustafson-yes; Mr. Walker-yes; Mr. Brown-yes; Mr. Sebolt-yes; Ms. Meyette-yes; Mr. Byl-yes; and Mr. Powers-yes. Absent: None.

Motion carried.

#### **RESOLUTION NO. 10- PAYMENT OF CLAIMS**

Moved by Mr. Byl and seconded by Mr. Walker to approve the payment of claims for July 26 and August 9, 2018 in the tentative amounts as follows:

	<u>July 26</u>	<u>August 9</u>
<b>AMBULANCE FUND</b>	<b>\$105,264.61</b>	<b>\$ 83,982.57</b>
<b>BUILDING DEPARTMENT FUND</b>	<b>10,401.88</b>	<b>14,534.22</b>
<b>TECHNOLOGY</b>	<b>899.25</b>	<b>1,116.16</b>
<b>ANIMAL CONTROL BUILDING</b>	<b>-0-</b>	<b>-0-</b>
<b>TOTAL FORECLOSURE FUND</b>	<b>390.00</b>	<b>17,100.06</b>
<b>K-9 FUND</b>	<b>180.00</b>	<b>208.50</b>
<b>VETERAN AFFAIRS</b>	<b>3,375.08</b>	<b>3,400.65</b>
<b>MEDICAL RESERVE CORP</b>	<b>-0-</b>	<b>-0-</b>
<b>AUTOMATION FUND R.O.D.</b>	<b>109.98</b>	<b>1,336.00</b>
<b>CAPITAL PROJECTS EQUIP. REPL.</b>	<b>-0-</b>	<b>-0-</b>
<b>LOCAL CORR. OFFICERS TRAINING FUND</b>	<b>-0-</b>	<b>-0-</b>
<b>CRIMINAL JUSTICE TRAINING</b>	<b>325.00</b>	<b>-0-</b>
<b>GENERAL FUND</b>	<b><u>346,353.87</u></b>	<b><u>412,858.80</u></b>
<b>TOTAL</b>	<b>\$467,299.67</b>	<b>\$534,536.96</b>

and to authorize the County Clerk to draw warrants and the County Treasurer to pay the same.

Roll call vote: Mr. Byl-yes; Mr. Sebolt-yes; Mr. Walker-yes; Mr. Gustafson-yes; Mr. Brown-yes; Ms. Meyette-yes; and Mr. Powers-yes. Absent: None.

Motion carried.

**COMMISSIONER REPORTS**

Commissioner Walker recently attended the West Michigan Forensic Pathology Board meeting and the hiring of a certain individual as a forensic pathologist fell through. The Board is now looking at a private-public partnership for the service.

Commissioner Gustafson attended the Hart Township meeting and they are moving ahead with the solar energy farms east of Hart. Commissioner Byl stated that he has been involved in the developing of this project through the County Planning Commission and they felt it was going to be in a good location.

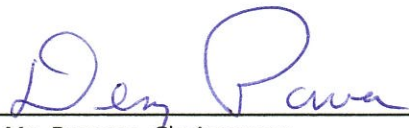
**PUBLIC COMMENTS**

Mr. Mark Meyer, President of Life EMS, thanked the County Board for their trust and confidence in the Life EMS business. He plans to take the agreement with Oceana County very seriously and provide the same level of service as currently being done. He noted that he met with the current Oceana EMS employees to discuss plans. Interviews for job positions will begin next week.

Chairperson Powers asked if there was any further business to come before the Board. There being none, the meeting recessed at 12:06 p.m.

Rebecca J. Griffin   
 Rebecca J. Griffin, Clerk

8-23-18  
 Date

  
 Mr. Powers, Chairperson