

## COMMITTEE OF THE WHOLE SESSION

August 7, 2008

1/ The Board of Commissioners of the County of Allegan, State of Michigan met in the Board Room of the County Services Building in the Township of Allegan on August 7, 2008, at 9:30 a.m., as set; Chairman McNeal presiding.

The invocation was offered by District #8 Commissioner Jessup.

The Clerk led the board in the pledge of allegiance to the flag.

The following Commissioners were present:

DIST # 1	TERRY BURNS	DIST # 7	DON BLACK
DIST # 2	STEVE McNEAL	DIST # 8	TOM JESSUP <sup>[left 11 45 am]</sup>
DIST # 3	PAUL VanECK	DIST # 9	FRITZ SPREITZER
DIST # 4	MARK DeYOUNG	DIST #10	- EXCUSED -
DIST # 5	- EXCUSED -	DIST #11	LARRY JONES
DIST # 6	MAX THIELE		

### Public Participation – Comments

2/ Chairman McNeal opened the meeting to public participation and the following individuals appeared and offered comment:

1. Naomi Whetzel, Hopkins Township, encouraged everyone to be mindful of the needs of food pantries in the county.
2. Bud Moore, AlVan Humane Society, asked the board to provide even a token of support for the AlVan Humane Societies' program.

### Agenda – Additions and Amendments

3/ Chairman McNeal called for any additions or amendments to the meeting agenda.

Administrator Sarro suggested the following items:

1. Outside Agencies funding placed at the beginning of the agenda.
2. Letter of intent for Transportation services – Area Agency on Aging added to the other items portion of the agenda for action.

Moved by Commissioner VanEck, seconded by Commissioner Thiele to authorize the agenda amendments as presented. Motion carried.

### Agenda – Approved as Amended

4/ Moved by Commissioner Thiele, seconded by Commissioner Jones to approve the agenda as amended. Motion carried.

### Outside Agency Funding

5/ Rob Sarro stated that Al-Van Humane Society has asked for a donation of \$5,000 and asked for direction on how to deal with requests from outside agencies. Does the board want to deal with the request from Al-Van Humane Society separately or look at all requests from all outside agencies before deciding on what can be supported in the 2009 budget? He stated that Denise has put together a listing of agencies supported in the past and is willing to present this during the budget process for prioritization if the Board feels this is appropriate.

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Commissioner Jessup stated that this service has a direct impact on our budget and should be looked at. Commissioner Thiele stated that in 2002 the support to outside agencies was \$750,000 and that's when we began downsizing our contributions because there were not enough revenues to support them.

Moved by Commissioner Thiele, seconded by Commissioner Black to sustain our current practice of not funding outside agencies. Motion carried by roll call vote: Yeas – 6 votes. Nays – 3 votes. Absent – 2 votes.

N	TERRY BURNS	Y	DON BLACK
Y	STEVE McNEAL	N	TOM JESSUP
Y	PAUL VanECK	N	FRITZ SPREITZER
Y	MARK DeYOUNG		JON CAMPBELL
	DEAN KAPENGA	Y	LARRY JONES
Y	MAX THIELE		

### **Veteran Services – Personnel Requests**

6/ Tammy Griggs, Veteran's Trust Fund Agent and Veteran's County Counselor, presented background on the number and types of services being provided to veterans and presented a case for separating the veteran's services from the Senior Services position. She addressed the types of services needed by the veterans in our county and how labor intensive and time consuming pension and compensation claims are and how important these services are to our veteran population. She cautioned that when troops begin to return next year, the demand for services will increase and could not be handled by a part-time person. She also stated that there is potential for cost sharing with some of our neighboring counties.

Rob explained that without providing these services to veterans, there are significantly lower federal dollars received by them and spent in our community.

### **Break – 10:40 a.m.**

7/ Moved by Commissioner DeYoung, seconded by Commissioner Thiele to take a ten minute break. Motion carried.

Upon reconvening at 10:57 a.m., the following Commissioners were present: Commissioner Burns, McNeal, VanEck, DeYoung, Thiele, Black, Jessup, Spreitzer, Jessup and Jones. Absent – Commissioner Kapenga, and Campbell

### **Senior Services – Personnel Requests**

8/ Jeanne Silvers updated the Board on what she has accomplished during her six-week tenure. She has been invited to sit on the Area Agency Advisory Council as one of the Allegan County representatives. She will be assessing the needs of seniors and how the department can begin meeting those needs and outlined the activities she plans to accomplish this year. She stated there is a definite need for a full-time position for senior services and is willing to look at a reclassification of this position to a secretarial classification to ameliorate the transition. This gives us an opportunity to assess the senior's needs if we are the intake point for providing services. She plans to create a person centered planning or a case management approach to assure the proper services are reaching those in need. She presented several scenarios to demonstrate why the process she hopes to implement would be more effective than what is currently done and allow the available services to be fully utilized.

**Animal Shelter**

9/ Rob Sarro stated that he plans to update the board on Animal Shelter personnel issues overall at the next meeting. Commissioner Thiele asked how personnel changes would impact the Animal Shelter services being provided. There was discussion on how enforcement would get more dog licenses sold with the resulting revenue helping to pay for a portion of the stepped up enforcement and allow a better response to calls from the public. More control officer time is needed on the road but with the control officer being responsible for managing the shelter, he can't be on the road. And, with less enforcement, license sales suffer.

**General Update**

10/ Rob asked if there were any questions that Commissioners wanted answered. Commissioner VanEck reported on the RFP for the jail architect and the four phases being looked at. They will be meeting next Wednesday and the committee hopes to have a better handle on things after this meeting. Rob stated that the Law Enforcement Contract issues will be discussed next week. Commissioner VanEck reported the Health Committee is still working on the smoking issue and inspection of tattoo facilities.

**Employee Selection Policy**

11/ Deb Daniels went through the Employee Selection Policy and explained the changes being contemplated and asked if there were any changes about which individual Commissioners might want additional information. There was a great deal of discussion about when it is appropriate for Commissioners to be given information about the person being hired so that they have background on the individuals.

Moved by Commissioner DeYoung, seconded by Commissioner Thiele to involve Commissioners from appropriate committees in the interview process depending on the position being hired; e.g., one of the Commissioners sitting on the Parks Commission would be involved to select a new parks director. Motion carried.

12/ Moved by Commissioner VanEck, seconded by Commissioner Burns to provide information regarding the qualifications of a candidate [see item 3.10 in the policy] to Commissioners, with personal information redacted, immediately after an conditional offer of employment is issued to the candidate. Motion carried by roll call vote: Yeas – 6 votes. Nays – 2 votes. Absent -3 votes.

- |   |              |   |                            |
|---|--------------|---|----------------------------|
| Y | TERRY BURNS  | Y | DON BLACK                  |
| Y | STEVE McNEAL |   | TOM JESSUP [left 11 45 am] |
| Y | PAUL VanECK  | N | FRITZ SPREITZER            |
| Y | MARK DeYOUNG |   | JON CAMPBELL               |
|   | DEAN KAPENGA | Y | LARRY JONES                |
| N | MAX THIELE   |   |                            |

**Facilities Master Plan**

13/ Rob distributed a listing showing the current location of various departments and the proposed future location if a county services building were to be constructed downtown to free up the courthouse for court related use. Commissioner VanEck stated he wants to get that jail out of there and build a beautiful building that would be an asset to downtown and let the City help us find parking and get at it.

**2009 Budget Operating Requests**

14/ Rob stated that strictly on operations, the budget is balanced at this time. With PTO fully funded, the shortfall according to the personnel guidelines shows a difference of \$200,000 to \$250,000, but contingency is at \$600,000. He quickly walked through the spreadsheets showing the reductions made to operating expenses which brought this into balance. There will be less of a turn-back at the end of the year as a result of tightening the budgets in this manner.

**Break – 1:05 P.M.**

15/ At 1:05 p.m., the Chairman called for a brief recess.

Upon reconvening at 1:15 p.m., the following Commissioners were present:  
Commissioner Burns, McNeal, VanEck, DeYoung, Thiele, Black, Spreitzer, and Jones. Absent – Commissioners Kapenga, Jessup and Campbell.

**2009 Budget Operating Requests**

16/ David Van de Roovaart, Finance Director reviewed the changes he is recommending to the operating budgets of the various departments. He explained that the budget is basically a “status quo” budget. Some flexibility has been built into some of the areas, but it is basically balanced. He invited commissioners to call him with any questions they come up with and he will make sure everyone is informed prior to the next session.

**Farmland Preservation Ordinance 1012.1**

17/ Moved by Commissioner Spreitzer, seconded by Commissioner VanEck to adopt the following resolution with some wording clarifications to Section I – J. Motion carried and the following resolution is adopted:

**ALLEGAN COUNTY ORDINANCE 1012.1—ADOPT ALLEGAN COUNTY FARMLAND PRESERVATION PURCHASE OF DEVELOPMENT RIGHTS**

WHEREAS, a public hearing, duly noticed, was held at the Allegan County Services Building on July 24, 2008 at 1:15 pm in the Commissioner’s Chambers, to allow public review and comment.

THEREFORE BE IT RESOLVED that upon hearing public comment, the Allegan County Board of Commissions hereby adopts Ordinance #1012.1 (Allegan County Farmland Preservation Purchase of Development Rights Ordinance) as presented; and

BE IT FURTHER RESOLVED that Ordinance 1012.1 shall take effect August 7, 2008; and

**BE IT FURTHER RESOLVED** that notice of said adopted ordinance shall be published in a newspaper of general circulation in Allegan County within ten (10) business days of adoption; and

**BE IT FINALLY RESOLVED** that the Clerk is authorized to publish and post notices of this ordinance to properly inform the general public of its adoption.

**ALLEGAN COUNTY FARMLAND PRESERVATION  
PURCHASE OF DEVELOPMENT RIGHTS ORDINANCE**

**Ordinance No. 1012.1**

An ORDINANCE creating the Allegan County Farmland Preservation Purchase of Development Rights Program that protects farmland by acquiring development rights voluntarily offered by landowners by means of donation, cash purchase and/or installment purchase. The Ordinance requires the creation of agricultural development rights/conservation easements on any real property from which the public shall acquire development rights, which easements shall preclude future development unless otherwise provided for specifically herein. Further, this Ordinance shall establish standards and procedures for acquisition of development rights/conservation easements.

THE PEOPLE OF THE COUNTY OF ALLEGAN, MICHIGAN, DO ORDAIN:

**Section I: Declaration of Purpose**

A. *Economic Importance of Farmland and Agriculture*

Agricultural land situated in Allegan County is a valued and economically important resource that provides the essential and irreplaceable basis for production of dairy products, livestock, hay, grains, vegetables, fruit, nursery plants and greenhouse crops. Climate, topography, soil composition and accessibility make agricultural land in Allegan County ideally suited for production, processing and distribution of agricultural products locally, regionally, nationally and internationally. Agricultural land in Allegan County also support a broad range of agriculturally dependent businesses such as farm machinery sales and maintenance, sale of farm supplies and fuel, services of veterinarians, grain dealers, transportation services and packaging plants, all of which contribute significantly to local and regional economies.

B. *Importance of Non-agricultural Attributes of Farmland*

In addition to its economic importance, agricultural land in Allegan County enhances the overall quality of life for all county residents by providing scenic beauty, preserving open space, maintaining rural character, promoting hunting and recreational opportunities, preserving cultural heritage as well as protecting valued environmental benefits such as watershed quality and preservation of wildlife habitat.

C. *Farmland Loss Results from Development Trends*

Allegan County is not exempt from the pressures of increasing population that necessarily results in agricultural land lost to residential and commercial development.

D. *Impact of Farmland Loss*

Land suitable for farming is a finite and irreplaceable resource, the quality of which has been enhanced by the labor of generations of farming families in Allegan County. When such land is lost to residential or other development uses that do not require the special characteristics inherent in agricultural land, quality of life in Allegan County is irreparably degraded. Further, non-farm development in agricultural areas makes farming more difficult because it causes conflict with existing farm practices and increases the incidence of trespass. Because agricultural land is an aesthetic, natural economic resource, Allegan County must ensure its continued existence and protect the long-term viability of agriculture thereby enhancing the quality of life for all residents.

E. *State and Local Policies*

It is the policy of the State of Michigan and Allegan County to protect and preserve farmland. This policy is evidenced by such enactments as the Allegan County Master Land Use Plan, the State Farmland and Open Space Preservation Act, the Agricultural Preservation Fund and the Conservation and Historic Preservation Easement Act, County zoning acts and other local statutes, ordinances and policies. However, these measures alone do not effectively provide adequate long-term protection for farmland in Allegan County from existing and impending pressures of residential and commercial development.

F. *Value of Development Rights*

The features of good farmland such as permeable soils and open space views are the same features sought for residential sites and results in speculative purchase of farmland without regard to existing agricultural zoning designations. Agricultural investment is not sustainable when the market value of the farmland exceeds its agricultural value.

G. *Purpose of the Program*

It is the purpose of the Allegan County Farmland Preservation Program and this Purchase of Development Rights Ordinance to protect farmland, to maintain a long-term business environment for agriculture in Allegan County, to preserve the rural character and scenic attributes of the county, to enhance important environmental benefits and to maintain the quality of life of Allegan County residents.

H. *Mechanism to Preserve Farmland*

Acquisition of development rights/conservation easements on farmland and other eligible land through the Allegan County Farmland Preservation Program and this Ordinance is a public purpose of this county. Acquisition of development rights by Allegan County shall be accomplished by entering into written agreements

with landowners. Such written agreements shall provide that any real property from which Allegan County has purchased or otherwise acquired development rights shall remain undeveloped and available for agricultural use into perpetuity unless specifically provided for herein.

I. *Intent of Ordinance*

The intent of this ordinance is to establish a framework for the preservation of farmland and other eligible land. Mechanisms such as funding and scope of the program are left to the discretion of the Allegan County Board of Commissioners.

J. *Healthy Waters: Rural Pride Initiative*

The Farmland Preservation Board is utilizing the Healthy Waters, Rural Pride initiative. The permanent long term initiative is to protect water quality and habitat quality in the rivers, creeks, contiguous wetlands, or other water features as a program to implement Farmland Preservation. The intent of this initiative is to integrate Farmland Preservation to protect the public health, safety and general welfare, by filtering storm water runoff through natural vegetative buffers along stream corridors.

**Section II: Definitions**

- A. *"Agricultural conservation easement"* means a conveyance by written instrument in which, subject to permitted uses, the owner relinquishes to the public, in perpetuity (forever), his or her development rights and makes a covenant not to undertake development.
- B. *"Agricultural use"* means the production of plants and animals useful to humans, including forages and sod crops; grains, feed and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae and similar animals; berries; herbs, flowers, seeds, grasses and nursery stock; fruits and vegetables; Christmas trees and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program or a federal conservation reserve program. Agricultural use does not include the management and harvesting of a woodlot.
- C. *"Development"* means an activity that materially alters or affects the existing conditions or use of the land.
- D. *"Development Rights"* means an interest in land that includes the right to construct a building or structure to improve land for development, to divide a parcel for development or to extract minerals incidental to a permitted use or as set forth in an instrument recorded pursuant to this ordinance.
- E. *"Farmland"* means one or more of the following:



- (1) A farm of 40 or more acres in one ownership with 51 percent or more of the land area devoted to an agricultural use.
- (2) A farm of five (5) acres or more in one ownership, but less than 40 acres, with 51 percent or more of the land area devoted to an agricultural use and that has produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land. A farm described in this subparagraph, enrolled in a federal acreage set-aside program or a federal conservation reserve program is considered to have produced a gross annual income from agriculture of \$200.00 per year or more per acre of cleared and tillable land.
- (3) A farm designated by the U.S. Department of Agriculture as a specialty farm in one ownership that has produced a gross annual income from an agricultural use of \$2,000.00 or more. Specialty farms include, but are not limited to, greenhouses; equine breeding and grazing; cervidae breeding and grazing; pheasants and other game animals; bees and bee products; mushrooms; aquaculture; and other similar uses and activities.
- (4) Parcels of land in one ownership that are not contiguous but which constitute an integral part of a farming operation being conducted on land otherwise qualifying, as farmland may be included in an application.

F. "Owner" means a person having a freehold estate in land coupled with possession and enjoyment. If land is subject to a land contract, owner means the vendee in agreement with the vendor.

G. "*Permitted Use*" means any use expressly authorized within an agricultural conservation easement that is consistent with the farming operation. Storage, retail or wholesale marketing or processing of agricultural products is a permitted use in a farming operation if more than 50% of the stored, processed or merchandised products are produced by the farm operator for at least three (3) of the immediately preceding five (5) years.

H. "*Person*" includes an individual, corporation, Limited Liability Corporation, business trust, estate, trust, partnership, association or two (2) or more persons having a joint or common interest in the land.

### **Section III: Authorization**

A. Pursuant to the County Zoning Act, the Allegan County Board of Commissioners is authorized to acquire the development rights of farmland throughout Allegan County. Such acquisition may be by purchase, gift, grant, bequest, devise, covenant, contract or any other means consistent with applicable law.

B. To acquire development rights/agricultural conservation easements, the county is

expressly authorized to enter into installment purchase contracts and to pay interest on the declining unpaid balance at a legal rate of interest consistent with prevailing market conditions at the time of execution of the installment purchase contracts. Allegan County is also authorized to acquire development rights by means of options, written agreements, acceptance of tax-deductible donation of easements and by any other means consistent with applicable law.

- C. Allegan County is authorized to contract with nonprofit land trusts or other qualified organizations, entities or individuals to obtain assistance in negotiating contracts for the purchase of development rights/agricultural conservation easements, conducting baseline studies and creating procedures to monitor compliance.
- D. Allegan County is authorized to seek grants or any other appropriate means of funding from state and federal government programs, private foundations, organizations and/or individuals to carry out the intent and purpose of this ordinance.

#### **Section IV: Allegan County Farmland Preservation Board**

- A. The Allegan County Farmland Preservation Board shall recommend candidates to the Allegan County Board of Commissioners. The Board of Commissioners shall nominate and appoint a seven-member board that will include: (1) One member from the Allegan County Board of Commissioners; (2) Three individuals with agricultural interests; (3) One individual with real estate or development interests; (4) one individual with local conservation interests and (5) one township representative.
- B. Members of the Allegan County Farmland Preservation Board shall serve three year terms except the appointment of the Allegan County Commissioner shall be made on an annual basis.
  - (1) The initial term of office for board members shall be staggered so that one of the agricultural representatives and the real estate representative shall serve one-year terms.
  - (2) One agricultural representative and the township representative shall serve two-year terms initially.
  - (3) One agricultural representative and the conservation representative shall serve three-year terms, initially.

A member may be removed by the Allegan County Board of Commissioners for inefficiency, neglect of duty or malfeasance in office after an appropriate hearing. Members shall be compensated for attending meetings, mileage and other expenses approved by the Allegan County Board of Commissioners in accordance with the *"Rules of the Board of*

*Commissioners"* as they pertain to Allegan County board and committees.

- C. The Allegan County Farmland Preservation Board shall oversee the Allegan County farmland preservation program and be responsible to:
- (1) Recommend selection criteria for ranking and prioritizing applications. The Allegan County Board of Commissioners prior to each application cycle shall approve selection criteria.
  - (2) Recommend a points-based appraisal formula for determining the value of development rights/agricultural conservation easements. The formula is subject to approval of the Allegan County Board of Commissioners.
  - (3) Review and score all applications according to the selection criteria previously approved by the Allegan County Board of Commissioners.
  - (4) Rank and prioritize applications and make recommendations for purchase of development rights/agricultural conservation easements to the Allegan County Board of Commissioners.
  - (5) Approve restrictions and permitted uses of development rights/agricultural conservation easements consistent with this ordinance.
  - (6) Recommend price to be offered for development rights and negotiate their acquisition. The Allegan County Board of Commissioners shall approve acquisition of development rights/agricultural conservation easements.
  - (7) Recommend monitoring and oversight procedures for compliance with development rights/agricultural conservation easements. Enforcement will be the responsibility of the Allegan County Board of Commissioners or their designated agent.
- D. Individual members of the Allegan County Farmland Preservation Board may not sell their development rights during their term of office. No Allegan County Farmland Preservation Board member shall vote on a question in which there is a direct personal or monetary interest not common to other members of the board. Conflict of interest exists but is not limited to the following:
- a) Member is a relative of the applicant;
  - b) Member has a business association or other affiliation with the applicant;
  - c) Member, relative or business associate may receive financial gain or other benefit from acceptance of the application.
- E. The Allegan County Farmland Preservation Board shall provide the Allegan County Board of Commissioners an annual administrative report. The annual report shall set forth any recommended changes to the selection criteria; the

number of applications received during the year; a list of eligible properties and the value of the development rights being considered; a list of development rights/agricultural conservation easements acquired; the results of compliance monitoring, and other information relevant to the evaluation of activities of the Allegan County Farmland Preservation Board.

**Section V: Eligibility for Application**

A. An Allegan County property owner may submit an application to the Allegan County Farmland Preservation Board provided the application meets the following requirements:

- (1) The property owner has signed the application establishing an interest in voluntarily selling or otherwise conveying development rights/agricultural conservation easements to the parcel.
- (2) At least 51 percent of the property of the applicant is devoted to current agricultural use with no more than 49% of the same parcel devoted to non-agricultural open space consisting of wetland, woodland or other non-farmable land.
- (3) The property is not zoned or planned for residential, commercial or industrial uses according to the Township Master Plan or the Allegan County Master Land Use Plan.
- (4) The legislative body of the city, village or township must adopt a resolution that makes the county Purchase of Development Rights program applicable in that jurisdiction.
- (5) The city, village or township where the land is situated must provide Allegan County with written approval of the purchase.
- (6) Agricultural activities are, and shall remain, permitted uses on the parcel under all applicable zoning ordinances.

**Section VI: Criteria for Reviewing and Ranking Applications**

A. The Allegan County Farmland Preservation Board shall recommend selection criteria for ranking and prioritizing eligible parcels submitted to the Allegan County Farmland Preservation Board. The Allegan County Board of Commissioners prior to each application cycle shall approve selection criteria. The selection criteria shall place emphasis on the following:

- (1) The farm has a productive capacity suited for the production of feed, food or fiber and has a greater potential for long-term agricultural production. Specific selection criteria may be based on soil classifications, parcel size, agricultural income, enrollment in the Farmland and Open Space

Preservation Act (PA 116) or the implementation of a soil conservation plan.

- (2) The farm is under threat of development. Specific selection criteria may be based on the proximity of the land to public sanitary sewer or water, the extent of development activity in the county or the amount of road frontage.
- (3) The land complements other farmland protection efforts in Allegan County. Specific selection criteria may include proximity to other permanently protected farmland, proximity to other protected land or land enrolled in the Farmland and Open Space Preservation Act (PA 116) or inclusion in an agriculturally zoned district.
- (4) There are additional matching funds provided by the landowner, local unit of government or private sources.
- (5) There are other factors considered important by the Allegan County Farmland Preservation Board such as physical, historical or environmental characteristics.
- (6) The development rights/agricultural conservation easement is consistent with the U.S. Scenic Corridor Plan.
- (7) The city, village or township shall provide Allegan County written approval of the proposed purchase.

**Section VII: Application and Selection Process**

- A. In accordance with the procedures set forth in this ordinance, Allegan County and the Allegan County Farmland Preservation Board may conduct an annual, voluntary application and selection process for property owners that wish to sell or otherwise convey development rights/agricultural conservation easements.
- B. The Allegan County Farmland Preservation Board shall begin each application cycle by giving notice at least ninety (90) days in advance of the application deadline that Allegan County is accepting applications for the Allegan County Farmland Preservation program. Notification shall be given in a newspaper of general circulation within the Allegan County.
- C. The application process may require information from the Natural Resources Conservation District or the township where the parcel is situated and/or the property owner.
- D. Submission of an application shall signify intent to sell or convey development rights associated with the property of the applicant to Allegan County when mutually agreeable terms are reached. The application shall remain active unless

the applicant rescinds the application in writing, the scoring criteria are modified or the application requirements are changed.

- E. Upon receipt of the development rights/agricultural conservation easement application, the Allegan County Clerk shall forward the application to the Allegan County Farmland Preservation Board for scoring, review and recommendation.
- F. A determination of eligibility shall be made by the Allegan County Farmland Preservation Board or designated staff at the close of the application deadline. Property owners will be notified if the application does not meet eligibility requirements. Eligible applications shall be evaluated and scored according to the selection criteria established by the Allegan County Board of Commissioners prior to the application cycle.
- G. The Allegan County Farmland Preservation Board shall rank parcels according to the selection criteria score. If necessary the board may re-evaluate and re-prioritize top scoring applications to identify which applicant's development rights should be purchased first because of a limitation of available funding. The Allegan County Farmland Preservation Board shall write on each affected application the reason for re-evaluation and re-prioritization.
- H. The final ranking and prioritization of the applications shall be submitted to the Allegan County Board of Commissioners for approval prior to initial negotiation with selected landowners.
- I. A state certified appraiser or a point-based method established in Section X by the Allegan County Farmland Preservation Board shall determine the agricultural value of the Nominated Property.
- J. Upon agreement to the terms of the purchase of the development rights/agricultural conservation easement, a title search will be conducted at the expense of the property owner to establish that there are no hindrances or encumbrances, there is clear title to the property, and the landowner has the ability to sell or otherwise convey the development rights/agricultural conservation easements. If a clear title cannot be initially provided, the applicant shall resolve the matter prior to approval of the closing of the sale by the Allegan County Board of Commissioners, and prior to the creation of the agricultural conservation easements. Terms of the purchase of the development rights/agricultural conservation easements shall be in writing and contingent on the willingness of all persons and entities with interest in the Nominated Property to record the agricultural conservation easements as approved by the Allegan County Board of Commissioners.
- K. The proposed purchase or conveyance of agricultural conservation easements is subject to the approval of the Allegan County Board of Commissioners. The Allegan County Board of Commissioners shall at its discretion, modify recommendations for the purchase or conveyance of agricultural conservation

easements that have been made by the Allegan County Farmland Preservation Board.

- L. The required agricultural conservation easements must be properly executed and recorded at the Allegan County Register of Deeds office.
- M. Monitoring compliance and enforcement of agricultural conservation easements shall be done in accordance with the policy, procedures and guidelines recommended by the Allegan County Farmland Preservation Board and established by the Allegan County Board of Commissioners.
- N. Allegan County shall notify the appropriate local unit of government of agricultural conservation easements created pursuant to this ordinance.

**Section VIII: Agricultural Conservation Easement Provisions**

- A. With the conveyance of development rights an agricultural conservation easement shall be executed by the property owner and recorded at the Allegan County Register of Deeds office. Any agricultural conservation easement shall protect the selected farmland and other eligible land from any activity that could impair or interfere with the agricultural use of the farmland or impact the natural qualities of other eligible land. Agricultural conservation easements shall not be terminated except as provided for in this ordinance.
- B. Restrictions on property included in development rights/agricultural conservation easements shall include, but not be limited to:
  - (1) Property shall not be divided into parcels less than 40 acres in size;
  - (2) Construction of a residence for new owners of any divisions shall be prohibited;
  - (3) Construction of other buildings, unless intended for use consistent with farming in the county, shall be prohibited;
  - (4) Commercial or industrial activity inconsistent with farming operations in the county shall be prohibited.
  - (5) Excavation of topsoil, sand, gravel, rock, minerals or other materials that would impair or interfere with the agricultural value of the property or the natural values of other eligible land shall not be permitted without the prior approval of the Allegan County Board of Commissioners or its agent.
- C. Permitted uses of agricultural conservation easements shall include, but are not limited to:

- (1) Construction of buildings necessary for and consistent with agricultural uses;
- (2) The rights to construct one additional residence for an individual essential to the farm operation as defined in Section 36110(5) of the Natural Resources and Environmental Protection Act; MCL 324.36110(5); MSA 13A.36110(5). Such structures shall be built in conformity with all applicable federal, state and local laws, ordinances and regulations.
- (3) The rights to maintain, renovate, remodel or replace existing structures. Maintenance, renovation, addition and replacement of structures shall conform to all applicable federal, state and local laws, ordinances and regulations.
- (4) The right to sell, mortgage, bequeath or donate the property provided that such conveyance, encumbrance, devise or donation is made subject to the terms and restrictions set forth in the agricultural conservation easements.

**Section IX: Duration of the Agricultural Conservation Easement**

- A. The intent of this ordinance is to preserve farmland through the establishment of permanent agricultural conservation easements. Agricultural conservation easements shall encumber the land into perpetuity without regard to transfers of ownership.
- B. Development rights acquired pursuant to this ordinance shall be held by Allegan County in perpetuity, except when a court of competent jurisdiction has made the determination based on the doctrine of eminent domain that the use of the development rights is necessary for a specific public interest, need or purpose.
- C. Based upon a determination of eminent domain by a court of competent jurisdiction that the development rights held by Allegan County must be purchased to serve a specific public interest, need or purpose, Allegan County shall be paid either by the state, city, village or township exercising eminent domain over the land for the development rights.
- D. The purchaser shall pay to Allegan County the fair market value of the development rights at the time of the condemnation. Fair market value shall be calculated by a State Certified Appraiser or by utilization of the points based appraisal set forth in Section X.
- E. If the appraiser discerns any actual or potential conflict of interest arising from his or her performance of an assigned appraisal, the appraiser shall, before undertaking work on the appraisal, disclose such actual or potential conflict of interest to the Allegan County Board of Commissioners. If a conflict of interest or an unacceptable potential conflict of interest exists, the Allegan County Board of Commissioners shall select a different appraiser.



- F. A determination of the fair market value shall be made prior to termination of the agricultural conservation easement.
- G. The value of the development rights shall be calculated as the difference between the fair market value of the property including the value of the development rights and the fair market value of the property based on its agricultural use under the existing agricultural conservation easement.
- H. The Allegan County Treasurer shall deposit the proceeds from the repurchase of development rights/agricultural conservation easements into the Allegan County Farmland Preservation Fund, the proceeds of which shall be used to purchase additional development rights/agricultural conservation easements on eligible farmland in Allegan County and/or any other purpose consistent with the intent of this ordinance.

**Section X: Determining the Value of Development Rights/Agricultural Conservation Easements**

- A. Prior to each application cycle, the Allegan County Farmland Preservation Board shall select which method it will use to determine the value of development rights/agricultural conservation easements: the points-based method as set forth in Public Act 262 of 2000 or a State Certified Appraiser.
- B. State certified appraisals shall calculate the value of the development rights/agricultural conservation easements as the difference between the fair market value of the property including the value of the development rights and the fair market value of the property based on its agricultural use under the existing agricultural conservation easement.
- C. The Allegan County Farmland Preservation Board shall recommend to the Allegan County Board of Commissioners guidelines consistent with state standards for state certified appraisals.
- D. The appraisal formula shall establish a Base Value according to the size of the property, soil characteristics and proximity to other protected farmland. The Base Value shall be increased if a parcel qualifies for a fair market value adjustment based on its location in Allegan County and length of road frontage. To determine a fair market value adjustment, an average of actual vacant land sales in Allegan County of parcels over 20 acres zoned for agriculture during the prior three years shall be calculated for each township.
- E. Parcels may also qualify for a premium based on proximity to public sewer and water as determined by a formula recommended by the Allegan County Farmland Preservation Board and established by the Allegan County Board of Commissioners. The Allegan County Farmland Preservation Board shall review the points-based appraisal method at the end of each application cycle and

compare the value of development rights/agricultural conservation easements with actual fair market sales in Allegan County.

- F. A property owner may obtain an independent appraisal of the value of the development rights/agricultural conservation easement. Such independent appraisal shall be conducted by a State Certified Appraiser, shall be at the property owner's expense and shall be completed within the time period set by the Allegan County Farmland Preservation Board. The appraisal shall show the calculation of the property with development rights and the value of the agricultural property with an agricultural conservation easement. Methods utilized by independent appraisers shall be consistent with those established in Section X, A-E, above.
- G. Subject to approval by the Allegan County Board of Commissioners, the Allegan County Farmland Preservation Board shall set the purchase price for the development rights/agricultural conservation easements. If the property owner obtains an independent appraisal reflecting a different price, it is within the discretion of the Allegan County Farmland Preservation Board to renegotiate the terms of the agreement.
- H. Payment for the development rights/agricultural conservation easements shall occur at the time of closing pursuant to the contract between the landowner and Allegan County.

**Section XI: Administrative and Operating Costs**

- A. The cost of services for the farmland preservation program shall be paid from available farmland preservation program funding sources in Allegan County as well as federal and state matching funds. Such costs include, but are not limited to expenses for engineering, planning, financing, legal fees, environmental assessments, base line assessments and monitoring compliance with easement restrictions.
- B. Allegan County shall not be responsible for any expenses incurred by property owner's incidental to applications received for purchase of development rights/agricultural conservation easements that the Allegan County Farmland Preservation Board has identified, such as title searches, appraisals and land surveys.
- C. Section XI, subparagraphs A and, B shall not preclude agreement by Allegan County and the landowner to share costs such as engineering and surveying as negotiated.

**Section XII: Farmland Preservation Fund**

- A. Funding for the Allegan County Farmland Preservation Board shall be deposited with the Allegan County Treasurer in a special Allegan County Farmland

Preservation Fund. Money in the fund may be temporarily deposited with institutions or invested in obligations that are allowed by law.

- B. Revenue generated from such deposits and/or investments shall be used solely for the purpose of purchasing development rights/agricultural conservation easements, to make payments on installment purchase contracts, promote farmland preservation programs, pay costs of administering and enforcing the program and/or any other purpose consistent with the intent of this ordinance.
- C. If funds become available from private sources, or federal or state agencies to pay a portion of the purchase price of development rights/agricultural conservation easements, the Allegan County Farmland Preservation Board may recommend to the Allegan County Board of Commissioners specific uses for such funds consistent with the intent of this ordinance.
- D. The Allegan County Board of Commissioners may finance the Allegan County Farmland Preservation program through one or more of the following sources, but is not limited to:
  - (1) General Fund Revenue
  - (2) Grants
  - (3) Donations
  - (4) Special Millages
  - (5) Proceeds from the Sale of Development Rights
  - (6) Other sources approved by the Allegan County Board of Commissioners

**Section XIII: Amendments**

Amendments to this Ordinance may be adopted as provided by law in the adopting of amendments or supplements under the general laws of the State of Michigan for Counties.

**Section XIV: Validity**

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not effect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

**Section XV: Effective Date**

This Ordinance Adopted on the 24<sup>th</sup> day of July 2008.

Said Ordinance to become effective on the 24<sup>th</sup> day of July 2008.

ALLEGAN COUNTY BOARD OF COMMISSIONERS

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Chairman, Steve McNeal

**TRANSPORTATION DEPARTMENT—APPROVE LETTER OF INTENT FOR REQUEST OF SENIOR SERVICES MILLAGE FUNDS**

18/ BE IT RESOLVED, that the Allegan County Board of Commissioners hereby approves the Transportation Department Letter of Intent for the request of Senior Services Millage funds for transit services to be made available to seniors in Allegan County for medical, dialysis, and supportive transportation programs; and

BE IT FURTHER RESOLVED that the Board Chairman and the County Administrator are authorized to sign the necessary documents on behalf of the County and that the Budget and Finance Director is authorized to make any necessary budget adjustments to complete this action.

Moved by Commissioner Burns, seconded by Commissioner Black to adopt the resolution with wording changes to Section I, J. Motion carried.



## County of Allegan

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Allegan County Transportation  
3255 122<sup>nd</sup> Avenue, Suite 200  
Allegan, MI 49010

Telephone: (269) 686-4529  
Fax: (269) 673-4172

August 6, 2008

Allegan County Department of Senior Services  
325 Water Street  
Allegan, MI 49010

RE: Letter of intent for request of Senior Services Millage Funds.

1. This is a request from Allegan County Transportation, a department of Allegan County.
2. The services to be provided are an expansion to current transit services available to seniors in Allegan County. I am proposing three types of senior programming.
  - A. A specific number of bus service hours for seniors to get to medical appointments anywhere in the County. This would be in addition to current senior transportation. I am estimating an average of 5 hours per week ~~200~~ per year for a cost of \$8,840.00
  - B. A specific number of bus service hours for seniors to get to dialysis appointments at the local Allegan Dialysis facility. Currently we limit to 30 days minimum service. There are some seniors that have no way to get the dialysis treatment they need. We would still limit to 30 days with an exception to those with out family supports or those that have been determined most disadvantaged. Determination would be coordinated with the dialysis facility. This would be in addition to current 30 day senior dialysis transportation. I am estimating an average of 10 hours per week 520 per year for a cost of \$17,680.00
  - C. A specific number of bus service hours for seniors to get to community supports (Shopping, legal services, banking, prescription, senior advocacy and family visitation) within Allegan County. This would be in addition to current senior

*Should read 260  
Not 206.*

transportation. I am estimating an average of 10 hours per week 520 per year for a cost of \$17,680.00

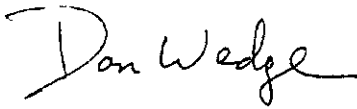
3. We will measure service by service hours provided and provide a monthly or quarterly report on number hours and trips to include trip type. This will come with any billings to COA.
4. The amount billed to COA will be a flat hourly rate which is only a portion of the total cost for service. Any remaining cost will be covered by State and Federal Funds approximately 25% of total cost. Other program funds will continue to support current senior services. There will be ongoing partnerships and coordination with any Allegan County volunteer driver program. We will also coordinate with the local dialysis provider to insure best use of resources.

BUDGET

A. COA Medical Transportation 260 hours	\$8,840.00
B. COA Dialysis Transportation 520 hours	\$17,680.00
C. COA Supportive Transportation 520 hours	<u>\$17,680.00</u>
Total	\$44,200.00

COA can individually award any of the services above or request more or less of any service type. In addition to this proposal Allegan County Transportation has agreed to support other applications for Millage funding request with transit services and will have no impact on the delivery of above services.

Sincerely,



Dan Wedge  
Transportation Director  
Allegan County Transportation

# SENIOR SERVICE MILLAGE FUNDS



## LETTER OF INTENT COVER PAGE

Submit **five** hard copies of the Letter of Intent and the required materials by  
4:00 PM August 8, 2008

Allegan County Department of Senior Services  
325 Water Street, Allegan, MI 49010

Legal Name of Organization Allegan County Transportation	Executive Director/CEO
Address of Organization 3255 122nd Ave, Suite 200, Allegan, MI 49010	
Contact Person (if different from Executive Director) Dan Wedge	Title Transportation Director
Phone: 269-686-4529	FAX: 269-673-4172
E-mail: dwedge@allegancounty.org	
Project Title: COA Special Transportation (Dialysis, Personal needs, Medical)	Requested Amount: \$44,200 See attached sheet
Private Non-Profit yes _____ no <u> X </u> Tax ID# 38-1914307 If no, List name and address of fiscal agent:	
Geographic area served: Allegan County	
Target Population: Seniors 60 and older	Program Service(s) Expanded Bus Transportation

### Letter of Intent

Please use the following format to describe the intended use of the Senior Millage Funds, limiting the description to two pages (12 point font, one inch margins). **The Letter of Intent is the initial review process to determine those agencies who will be selected to participate in the RFP application.**

1. Introduce your organization and link your mission to the needs of seniors in Allegan County.
2. Describe the services you intend to provide and indicate the desired impact that it will have to your target population.
3. How will you measure and evaluate the results of your services. Be specific regarding the community needs and or issues that your program will address.
4. Outline other financial resources and community partners you have identified to assist with the delivery of services; or other sources of funding secured, applied for and proposed for this project or services.

### Attachments

- Attach a copy of the 501 © (3) designation letter of organization or fiscal agent unless your organization is a governmental agency.
- Attach a projected budget for the project.
- Attach a list of the organization's Board of Directors with contact information and e-mail addresses.

\_\_\_\_\_  
Signature of Executive Director/CEO Date

\_\_\_\_\_  
Signature of Board of Directors Chair Date

District	Commissioner	In Office Since
#1 Laketown Twp Saugatuck Twp	<u>Terry Burns</u> 1037 Maple Street, Apt. A-5 Saugatuck, 49453 Ph: (616) 355-2525   <a href="#">Email</a>	2007
#2 Fillmore Twp City of Holland	<u>Steve McNeal</u> 5544 - 141st Ave Holland, 49423 Ph: (269) 751-7271   <a href="#">Email</a> Fax: (269) 751-7266	2005
#3 Overisel Twp Monterey Twp Salem Twp	<u>Paul VanEck</u> 4649 - 44th Street Holland, 49423 Ph: (616) 688-5619   <a href="#">Email</a>	2003
#4 Dorr Twp (Precinct #2 & #3) Leighton Twp	<u>Mark DeYoung</u> 4169 Hickory Street <del>P.O. Box 54</del> Dorr, 49323 Ph: (616) 681-9413   <a href="#">Email</a>	2000
#5 Manlius Twp Heath Twp Clyde Twp City of Fennville	<u>Dean Kapenga</u> 5634 - 136th Avenue Hamilton, 49419 Ph: (269) 751-8586   <a href="#">Email</a>	2007
#6 Hopkins Twp Watson Twp Allegan Twp City of Allegan	<u>Max R. Thiele</u> 319 River Street Allegan, 49010 Ph: (269) 673-4514   <a href="#">Email</a>	2001
#7 Wayland Twp Wayland City Martin Twp Martin Village	<u>Don Black</u> 1054 - 126th Avenue Shelbyville, 49344 Ph: (269) 792-6446   <a href="#">Email</a>	1999

*Remove P.O. Box from the address*



#8 Casco Twp Ganges Twp Lee Twp	<u>Tom Jessup</u> 6717 - 108th Avenue South Haven, 49090 Ph: (269) 637-3374   <a href="#">Email</a>	2007
#9 Allegan Twp (Precinct #1) Chesire Twp Trowbridge Twp Valley Twp	<u>Fritz Spreitzer</u> 1244 Turkey Lane Road Allegan, 49010 Ph: (269) 673-4131   <a href="#">Email</a>	2007
#10 Otsego Twp Otsego City Watson Twp (Southern portion)	<u>Jon C. Campbell</u> 1639 Elm Street Otsego, 49078 Ph: (269) 694-4632   <a href="#">Email</a> Fax: (269) 694-2404	1991
#11 Gunplain Twp City of Plainwell	<u>Larry "Casey" Jones</u> 258 Golfview, Plainwell, 49080 Ph: (269) 664-5362   <a href="#">Email</a>	2002

**Public Participation – None**

19/ Chairman McNeal opened the meeting to public participation. As there were no comments from the public, he closed the meeting to public participation.

**Adjourn until August 21, 2008 at 9:30 A.M.**

20/ Moved by Commissioner Spreitzer, seconded by Commissioner Thiele to adjourn until August 21, 2008 at 9:30 a.m. Motion carried and the meeting was recessed at 2:07 p.m.

  
 Clerk-Register

# Allegan County Board of Commissioners



County Services Building  
3283 – 122<sup>nd</sup> Avenue  
Allegan, MI 49010  
269-673-0203 Main Office  
269-686-5331 Main Fax  
<http://www.allegancounty.org>

**Steve McNeal, Chairman**  
**Larry "Casey" Jones, Vice Chairman**

## **DISTRICT 1**

Terry Burns  
616-403-0427  
tburns@  
allegancounty.org

## **DISTRICT 2**

Steve McNeal  
269-751-7271  
smcneal@  
allegancounty.org

## **DISTRICT 3**

Paul VanEck  
616-688-5619  
pvaneck@  
allegancounty.org

## **DISTRICT 4**

Mark DeYoung  
616-681-9413  
mdeyoung@  
allegancounty.org

## **DISTRICT 5**

Dean Kapenga  
269-751-8586  
dkapenga@  
allegancounty.org

## **DISTRICT 6**

Max R. Thiele  
269-673-4514  
mthiele@  
allegancounty.org

## **DISTRICT 7**

Don Black  
269-792-6446  
dblack@  
allegancounty.org

## **DISTRICT 8**

Tom Jessup  
269-637-3374  
tjessup@  
allegancounty.org

## **DISTRICT 9**

Fritz Spreitzer  
269-673-4131  
fspreitzer@  
allegancounty.org

## **DISTRICT 10**

Jon C. Campbell  
269-694-4632  
jcampbell@  
allegancounty.org

## **DISTRICT 11**

Larry "Casey" Jones  
269-664-5362  
lcjones@  
allegancounty.org

## **BOARD PLANNING SESSION-AGENDA**

Thursday, August 7, 2008 - 9:30 a.m.  
Board Room - County Services Building

[Click here](#) for full packet: (408.64 KB)

9:30 a.m. **OPENING PRAYER:** Commissioner Jessup

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**PUBLIC PARTICIPATION:**

**APPROVAL OF MINUTES:**

**ADDITIONAL AGENDA ITEMS:**

**APPROVAL OF AGENDA:**

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## **DISCUSSION ITEMS:**

- 1) 2009 Personnel Requests
  - a. Department of Senior & Veteran Services
  - b. Animal Shelter
- 2) General Updates
- 3) Employee Selection Process Policy #301 (Revision - ADH Hiring Process)
- 4) Facilities Master Plan
- 5) 2009 Budget - Operational Requests

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## **OTHER ITEMS:**

- 1) ACTION - Farmland Preservation Ordinance

## **PUBLIC PARTICIPATION:**

**ADJOURNMENT:** Thursday, August 21, 2008 @ 3:00 P.M. @ BOARD ROOM -  
COUNTY SERVICES BUILDING, COUNTY SERVICES COMPLEX @ DUMONT.

### **Mission Statement**

"The Allegan County Board of Commissioners shall plan, develop, and evaluate the necessary policies and resources to ensure our county continues to progress and prosper"

August 7, 2008

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