

**MEMORANDUM OF UNDERSTANDING
FOR SOIL EROSION SERVICES**


The County of Alpena (hereinafter referred to as the "County") and Mike Kieliszewki, 7066 LaComb Road, Alpena, MI 49707, an Independent Contractor (hereinafter referred to as the "Independent Contractor") have entered into a Memorandum of Understanding for Soil Erosion Services beginning January 26, 2021 through December 31, 2023.

THE COUNTY AGREES:

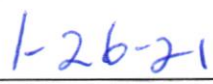
- 1) To retain the responsibility of providing legal assistance as needed for:
 - a. Prosecution for failure to comply with Part 91 of Public Act 451 of 1994.
 - b. Any other litigation resulting from involvement in administration of Part 91 of Public Act 451 of 1994 and to hold harmless and assume responsibility for any legal costs or judgements against, arising from Part 91 of Public Act 451 of 1994.
 - c. Full liability coverage under the County's Errors and Omissions policy and other insurance coverages as it relates to the activities in the administration of Part 91 of Public Act 451 of 1994.
- 2) To adopt an annual budget.
- 3) To provide financial support to the Independent Contractor for administration of Part 91 of Public Act 451 of 1994. Soil Erosion applications are available at the MSU office. Once completed, they are returned to the MSU office, where the fee is collected. All fees are deposited with the County Treasurer monthly, 90% of those fees collected shall be paid to the Independent Contractor and 10% of those fees will be retained with the County of Alpena. Revenues and expenses to be used exclusively for this program.
- 4) To establish permit fees with the concurrence of the Alpena County Board of Commissioners.

THE INDEPENDENT CONTRACTOR AGREES:

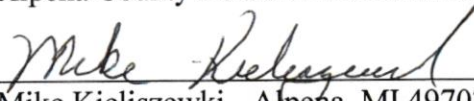
- 1) To keep the County informed (upon request) of applications received and permits issued for projects subject to this Memorandum of Understanding under Part 91 of Public Act 451 of 1994.
- 2) To handle all applications, issue permits, inspect sites and to provide needed technical advice for applicants and permit holders.
- 3) To maintain current standards and specifications for correct soil erosion and sedimentation control.



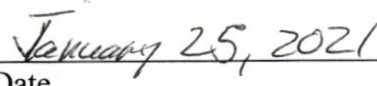
Robert Adrian, Board Chairman
Alpena County Board of Commissioners



Date



Mike Kieliszewki - Alpena, MI 49707
Independent Contractor



Date

CONTRACT

THIS AGREEMENT made and entered into this day 26th day of January by and between the Alpena County Board of Commissioners of Alpena, Michigan (hereinafter referred to as "Committee") and Michael Kieliszewski, 7066 LaComb Road, Alpena, Michigan.

WITNESSETH:

WHEREAS, the Committee desires to retain the services of Michael Kieliszewski as an inspector to carry out the Committee's affairs for the Alpena County Home Improvement Program in a capable and efficient manner. Michael Kieliszewski shall be an independent contractor and not an employee of the Alpena County and shall comply with independent contractor. Alpena County will provide insurance to cover the provisions of this contract, and

WHEREAS, as the inspector, Michael Kieliszewski, will be responsible for preliminary inspections, Universal Physical Conditions Standards (UPCS) inspections, preparing specifications, estimating costs, filing specifications and estimates with the director, assisting the director in preparing bid documents, answering contractors questions on bids, reviewing bids and making recommendations to the director, meeting with director and homeowners before closing, performing inspections to assure contract compliance, approving requests for payments and final inspection of the work performed, and


WHEREAS, Michael Kieliszewski as well as the Committee desires to enter into an agreement in order to recognize fully Michael Kieliszewski's responsibilities and to assure continued harmonious operation of the affairs of the Alpena County Home Improvement Program.

NOW THEREFORE, in consideration of the mutual benefits to be derived by all parties to this agreement, it is mutually agreed as follows:

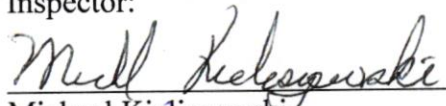
1. Michael Kieliszewski shall be engaged as an inspector by the Committee and the Committee hereby agrees to engage Michael Kieliszewski to perform such duties and to satisfy such obligations as set forth in this Agreement and Michael Kieliszewski agrees to such duties and further agrees that during the term of such contract he will continue to devote such of his time, energies and attention as are necessary to complete the tasks assigned to him from time to time and to the full satisfaction of the Committee.
2. That the term of this contract shall be until the exhaustion of the Rehabilitation Funds, subject however, to termination by either the Committee or Michael Kieliszewski by either party giving written notice to the other of fifteen (15) days.
3. Michael Kieliszewski shall be compensated at a fixed fee rate as follows:
 - A. Initial inspection: \$100 including mileage, UPCS inspection, walk through Inspection report and rough cost estimates.
 - B. Bid specifications/preliminary cost estimate: \$60, includes preparation of bid specifications of work to be performed in accordance to the HUD UPCS standards, Michigan Building Code, and the Michigan Energy Code.

This also includes mileage. Bid specifications shall be itemized per item Plus cost breakdown.

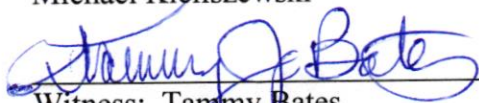
- C. Final Specifications / Final Cost Estimate: \$100, includes all of item B, plus The HUD/EPA requirements regarding lead-based paint.
- D. 50% Completion Inspection: \$50, including mileage and report signed by Homeowner, inspector and director confirming 50% work completion. All Work completed must be in accordance to bid specifications.
- E. Final Inspection: \$50, includes mileage and completion form signed by Inspector, director, homeowner and contractor. All items must be completed According to bid specifications.
- F. Other Inspections: \$50, includes on the job inspections, amendment Inspections and others authorized by the director and/or Committee.
- G. Per diem will be paid in accordance to Committee's policy for all attended meetings. Inspector shall be responsible for his own mileage, Inspector education fees and registration fees.
- H. Payments will be made once report forms have been approved by director and vouchers approved by the Committee. Michael Kieliszewski will submit bills to director for payment. IN WITNESS WHEREOF, the Committee has caused this Agreement to be signed by its duly authorized officers and Michael Kieliszewski has hereunto set his hand seal on the day and year first above written.



By: Bob Adrian
Its: Chairman of the Board

Inspector:


Michael Kieliszewski



Witness: Tammy Bates

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Hearing Impaired and/or Disabled Applicants Can Call
Michigan Relay System Text Telephone
1-800-649-3777

ALPENA COUNTY BOARD OF COMMISSIONERS

BOARD ACTION #05

TO: County Clerk, County Treasurer
FROM: Alpena County Board of Commissioners
SUBJECT: Soil Erosion Officer & Home Improvement Inspector

BOARD ACTION:

ACTION ITEM #PM-4: The Committee recommends we approve hiring Mike Kieliszewski as the Soil Erosion Officer and Home Improvement Inspector effective immediately and approve the contracts after attorney review.

Moved by Commissioner Osbourne and supported by Commissioner Gilmet to approve the Consent Calendar which includes actions as listed above and filing of all reports. Roll call vote was taken: AYES: Commissioners Gilmet, Karschnick, Peterson, Fournier, Osbourne, Thomson, Kozlowski and Adrian. NAYS: None. Motion carried.

This action was XX APPROVED DISAPPROVED

BY: Ayes: 8 Nays: 0 Excused: 0 Absent: 0 Abstaining: 0

Alpena County Board Chairman's Signature: Robert Adrian

Alpena County Board Vice-Chairman's Signature: _____

Date of the Board Meeting: January 26, 2021

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

This is to certify that

Michael J. Kieliszewski

is qualified under the rules governing certification to operate any facility listed under the classification

STORM WATER MANAGEMENT – CONSTRUCTION SITE

A-1j

CERTIFICATE NO. C- **17657**

EXPIRES JULY 1, 2025

Issued by the Director of the Department of Environment, Great Lakes, and Energy
Under Authority of Act 451 P.A. 1994, Part 31 as amended

EQC 3450-1 (Rev 1/21/2010)

CONSTITUTION HALL • 525 WEST ALLEGAN STREET • P.O. BOX 30473 • LANSING, MICHIGAN 48909-7973
Michigan.gov/EGLE • 800-662-9278

Please note that this certificate is valid until 7/1/2025. If you have any questions about this renewal, please call Alyssa Sarver at (517) 881-1371.

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

This is to certify that

Michael J. Kieliszewski

is qualified under the statute governing Soil Erosion and Sedimentation Control Training to perform duties under the following classification:

SESC PLAN REVIEW AND DESIGN

CERTIFICATE NO. SE/C 01549

EXPIRES 7/1/2025

Issued by the Director of the Department of Environment, Great Lakes, and Energy
Under Authority of Act 451 P.A. 1994, Part 91 as amended