

**THE BENZIE COUNTY BOARD OF COMMISSIONERS**  
**April 15, 2008**

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, April 15, 2008, in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

Present were: Commissioners Damm, Kelley, Pitcher, Roper, Sandman and Walterhouse  
Commissioner Smeltzer arrived at 9:10 a.m.

Absent: None

The pledge of allegiance was given with invocation by Commissioner Kelley.

Motion by Pitcher, seconded by Damm, to approve the agenda as printed. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman and Walterhouse Nays: None Exc: Smeltzer

Motion by Damm, seconded by Pitcher, to approve the minutes of March 18, 2008, as presented. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman and Walterhouse Nays: None Exc: Smeltzer

9:05 a.m. PUBLIC INPUT

Carol Merrill representing the 13 Government Center union members talks about the potential layoff in the building department and provides a copy of what she read.

9:10 a.m. Commissioner Smeltzer arrives

Keith Bonney provided written information regarding the Turtle Lake Watershed Overlay District. Terry VanHeyningen, Inland Township, spoke in support of the Turtle Lake Watershed Overlay District.

9:17 a.m. PUBLIC INPUT CLOSED

**ELECTED OFFICIALS & DEPT HEAD COMMENTS**

Craig Seger, Zoning Administrator, requested approval of a contract for land division services with the Village of Honor; Thank you for the deputy drain commissioner position, which the zoning department has been doing all along; Zoning Dept annual report will be in May; if someone is not happy with the decision of the zoning administrator in the enforcement of ordinances, they have the right to go to a higher authority.

Motion by Walterhouse, seconded by Pitcher, to approve the contract between Benzie County and the Village of Honor for Land Divisions within the Village of Honor, authorizing the Chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Dave Neiger, Planning Director, presents his 2<sup>nd</sup> monthly report; working on the comprehensive plan update; Billboard legislation has passed; working on two plan reviews.

Craig Johnson, EMS Director, states that the Advisory Board has looked at a couple more hardship cases and they are on hold until additional information can be obtained from Munson on their policy; had a meeting and talked about a regional dispatch center; will gather additional information and report back; he states that the numbers were high in March and April looks like it is going that way too; two more weeks until we get the new ambulance.

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Rory Heckman, Undersheriff, asks for a steering committee to look into a possible regional dispatch center; he states that the State ORV Ordinance is on its way to the Senate; there is a public hearing tomorrow at 1 p.m. in Lansing; Comm Roper will attend; another barn fire in the county; New dispatcher has been hired; still a deputy, part time corrections and reserve openings.

Michelle Gray, Register of Deeds, states that they have completed images from 1998 and her staff checks them while she is doing redactions; there has been an increase in remote usage; will start working on images from 1982-1998.

Chairman Roper asks Dave Neiger if he has received the letter regarding Census 2020 – he did and is working with Tom Longanbach regarding it.

9:55 a.m. Break

10:05 a.m. Reconvene

## COMMITTEE REPORTS

### **Finance:**

Chairman Roper presents Consent Calendar items 1-7.

Comm Pitcher removes items 1 and 6.

Motion by Roper, seconded by Kelley, to approve Finance Consent Calendar items 2-5 and 7 as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Pitcher, seconded by Walterhouse, to adopt item 1 as follows: To send a letter to Ms. Fortune that no further action will be taken due to our belief that payment to her has been made regarding the livestock loss. Roll call. Motion carried. Ayes: Damm, Kelley, Roper, Sandman, Smeltzer and Walterhouse Nays: Pitcher

Motion by Walterhouse, seconded by Pitcher, to adopt item 6 as follows: To allow the Benzie County Parks and Recreation Commission to spend up to \$15,000 to redo the Benzie County Recreational Management Plan for Benzie County and to work out the details with the County Administrator, with funds to come from either contingency or fund balance. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Kelley, seconded by Walterhouse, to approve the financing of the Harley Davidson Motorcycles with Central State Bank for 36 months at 3.30% interest rate, with payments to come from the existing sheriff department budget. Roll call. Motion carried. Aye: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

### **Claiming Reports:**

Motion by Pitcher, seconded by Smeltzer, to approve the monthly claiming report as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

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Motion by Walterhouse, seconded by Smeltzer, to approve the report of the prepaid bills as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

### **Personnel:**

Chairman Roper presents Consent Calendar items 1-7.

Comm Sandman removes item 4.

Motion by Pitcher, seconded by Sandman, to approve Personnel Consent Calendar items 1-3 and 5-7 as presented. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Smeltzer, seconded by Damm, to adopt #4 as follows: To allow Steven Haugen to adjust the personnel in the building department as he sees fit for temporary lay off until financially able to increase staff. Roll call. Motion denied. Ayes: Roper, Smeltzer and Walterhouse  
Nays: Damm, Kelley, Pitcher and Sandman

Motion by Walterhouse, seconded by Smeltzer, to hold off further discussion on this item until 1:00 p.m. and move on with the rest of the agenda. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Smeltzer and Walterhouse Nays: Sandman

Chairman Roper indicates that two grievances have been filed and they need to be dealt with; we need to go through the process of answering them; the union committee is Walterhouse, Kelley and Clarke that will deal with the grievances.

Tom Longanbach will be moved to 1:30 p.m. with the Equalization Report.

### **Other Personnel Issues:**

Motion by Sandman, seconded by Walterhouse, to reappoint Dennis Haugen to the EDC for a six year term, to expire on February 16, 2014. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Walterhouse, seconded by Smeltzer, to reappoint Neal Nye to the EMS Advisory Board for a three year term, to expire on January 4, 2011. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Smeltzer, seconded by Walterhouse, to accept the letter of resignation from Allen Gruss and send a letter of appreciation to him. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Smeltzer, seconded by Kelley, to appoint Kelly Thayer to a three year term expiring April 30, 2011; and Jackie McLaughlin to fill the vacancy to expire April 30, 2009, to the Benzie Transportation Authority. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

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11:06 a.m. Ken Talsma, Anderson Tackman

Ken presents a power point of the 2007 Annual Audit for Benzie County.

Motion by Smeltzer, seconded by Pitcher, to accept and place on file the 2007 Audit Report presented by Anderson Tackman and Company, PLC. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

11:30 a.m. Craig Seger, Turtle Lake Watershed Overlay District

Requests of adoption of this ordinance.

Motion by Pitcher, seconded by Damm, to adopt the Turtle Lake Overlay District Ordinance as written, to be effective in seven days. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper and Smeltzer Nays: Sandman and Walterhouse

11:45 a.m. Marlene Wood-Zylstra, Recycling Coordinator

Marlene and Dale Flaherty, Chair of the SWAC, are present and request approval of four renewal contracts; one new contract; and one resolution.

Motion by Pitcher, seconded by Smeltzer, to approve renewal contracts for recycling with Village of Beulah, Benzie County Road Commission, Almira Township and Glen's Market in Frankfort, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Smeltzer, seconded by Damm, to enter into a Memorandum of Understanding with Laura Shelden for a recycling site for three months, at a rate of \$200.00 per month, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Smeltzer, seconded by Pitcher, to adopt the Resolution 2008-008 Green Benzie Business Recycling Initiative as presented, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Dale Flaherty says hats off to Marlene; she has done a wonderful job.

12:00 p.m. Break for Lunch

1:00 p.m. Reconvene

Building Department Adjustment issue:

Comm Kelley would like another presentation by Mr. Haugen; feels he could lay off an inspector and not the clerical staff.

Comm Roper asks what he wants to see. Financial information; we should know how the layoff with a contract works; how does that affect bumping.

Chuck Clarke states that you still need to answer the grievances.

Chairman Roper states that a committee of Comm Walterhouse, Kelley and Chuck Clarke will get answers for next month.

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Motion by Smeltzer, seconded by Walterhouse, to set a subcommittee of Commissioners Walterhouse, Kelley and Sandman to research the questions regarding lay off and how the contract language is set into place, to include the County Administrator and Counsel, to report back on May 12, 2008 to the Committee of the Whole. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Animal Control Office:

Mission statements for Advisory Board and Animal Control Office.

Motion by Kelley, seconded by Damm, to accept the ACO Advisory Committee Mission Statement as presented. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

Motion by Kelley, seconded by Smeltzer, to accept the Animal Control Office Mission Statement as presented. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

EMS – Nothing additional

Planning & Zoning – Nothing additional

## COUNTY ADMINISTRATOR'S REPORT

The Headlee Committee met after the committee of the whole and the townships did not like the idea of combining the millage so option 1 is out; Option 2 would be the county alone – doesn't recommend going that way either; Option 3 – will ask for separate jail millage on just the jail. Have some financial problems with the Friend of the Court; also with Prosecuting Attorney's Title IV-D grant.

1:30 p.m. Tom Longanbach, Equalization Director

Tom presents the L-4024 report and requests approval of same.

Motion by Pitcher, seconded by Walterhouse, to adopt the L-4024 Report as presented, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Sandman, Smeltzer and Walterhouse Nays: Roper

## CORRESPONDENCE

- Report received from Roger Griner on the Annual Highway Conference he attended.
- Lake County Resolution regarding: Motion by Sandman, seconded by Kelley, to adopt a resolution identical to that of Lake County regarding Great Lakes Water Basin, with copies to be sent to Governor Granholm, Senator McManus and Representative Palsrok, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None
- Letter received from Undersheriff Heckman thanking the Road Commission for their efforts in keeping the road clear this past winter.
- Letter received from MMRMA regarding dividends.
- Parks & Recreation meeting minutes of February 25, 2008 received.
- Road Commission minutes of February 27, 2008 and March 12, 2008 received.

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- Request from the Road Commission for a resolution in support of an application for critical bridge funds: Motion by Pitcher, seconded by Kelley, to adopt the resolution for Application for Critical Bridge Funds, authorizing the chairman to sign. Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None
- Manistee-Benzie CMH minutes of February 14 and 28, 2008 received.
- Snowmobile report for March 2008 and Annual 2008 received.
- Sanilac County Resolution re Motor Carrier Safety Ordinance – information only.
- Benzie-Leelanau Health Dept minutes of March 27, 2008 received.
- Letter of thank you received from TC Talus.
- Building Dept activity report for March 2008 received.
- Frankfort City-County Airport Authority minutes of April 3, 2008 received.
- Michigan Northern Counties agenda for April 21, 2008 received together with the minutes from March 17, 2008.
- Letter from Department of Agriculture – information only.
- Letter from MMRMA re National Playground Safety program.

**NEW BUSINESS:** Commissioner Smeltzer provides a prospective name for the Planning Commission; he is to get endorsements from agriculture individuals in the county and the Farm Bureau.

## COMMISSIONER REPORTS

Comm Smeltzer: Diane Hash will be leaving the Conservation District to return to school; they are looking to hire a half time person.

Comm Walterhouse: Asks if Mr. Figura could review the Railroad Pointe information from the April 11 meeting; April 28 at 4:30 p.m. will review with the general public.

Comm Damm: She is very pleased with the Village of Beulah going ahead with their beautification projects and possible under ground wiring; they will be looking for grants too.

Comm Sandman: Presents a written report; they should be starting with the Smokestack Storage property soon.

Comm Kelley: Provides a written report.

Comm Pitcher: In January or February this board took action to request a seat on TC TALUS; the Council of Governments will be signing the grant and we have a seat on COG, so it is not necessary for us to request a seat for representation, she recommends rescinding the motion; she is pleased with the way the web site is coming; Wyckoff meeting is scheduled Thursday at 1 p.m.; We didn't get the Brownfield Grant.

Motion by Pitcher, seconded by Smeltzer, to rescind the intent to request a seat on TC TALUS.

Motion carried. Ayes: Damm, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: Kelley

Comm Roper: Will be attending a hearing in Lansing tomorrow regarding the ORV issue; Almira Twp is going well; they are working on fund raising for the Lake Ann beach project; they now have two full time ambulance personnel in Almira Twp.

Motion by Walterhouse, seconded by Pitcher, to authorize the chairman mileage, per diem and meals for the trip to Lansing on April 16.

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Motion by Sandman, seconded by Pitcher, to allow Chairman Roper to abstain from voting. Motion carried. Ayes: Damm, Kelley, Pitcher, Sandman, Smeltzer and Walterhouse Nays: None Abstain: Roper

Vote on original motion: Roll call. Motion carried. Ayes: Damm, Kelley, Pitcher, Sandman, Smeltzer and Walterhouse Nays: None Abstain: Roper

2:30 p.m. PUBLIC INPUT -- None

Motion by Smeltzer, seconded by Pitcher, to adjourn until May 20, 2008, or the call of the chair. Motion carried. Ayes: Damm, Kelley, Pitcher, Roper, Sandman, Smeltzer and Walterhouse Nays: None

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Mark E. Roper -- Chairman

Dawn Olney – Benzie County Clerk

### INDEX

1. Approved the agenda as printed.
2. Approved the minutes of March 18, 2008, as presented.
3. Approved the contract between Benzie County and the Village of Honor for Land Divisions.
4. Approved Finance Consent Calendar items 2-5 and 7 as presented.
5. Authorized a letter be sent to Ms. Fortine regarding her livestock loss.
6. Authorized Parks and Rec spend up to \$15,000 Recreational Management Plan.
7. Approved the financing of the Harley Davidson Motorcycles.
8. Approved the monthly claiming report as presented.
9. Approved the report of the prepaid bills as presented.
10. Approved Personnel Consent Calendar items 1-3 and 5-7 as presented.
11. Denied allowing layoff in the building department.
12. Reappointed Dennis Haugen to the EDC for a 6 year term.
13. Reappointed Neal Nye to the EMS Advisory Board for a 3 year term.
14. Accepted the letter of resignation from Allen Gruss and send a letter of appreciation to him.
15. Appointed Kelly Thayer to a 3 year term and Jackie McLaughlin to fill the vacancy on the Transportation Authority.
16. Accepted and filed the 2007 Audit Report as presented.
17. Adopted the Turtle Lake Overlay District Ordinance as written.
18. Approved 4 renewal contracts for recycling with Village of Beulah, Road Commission, Almira Township and Glen's Market in Frankfort.
19. Approved Memo of Understanding with Laura Shelden for a recycling site.
20. Adopted the Resolution 2008-008 Green Benzie Business Recycling Initiative.
21. Set a subcommittee of to research the questions regarding lay off.
22. Accepted the ACO Advisory Committee Mission Statement as presented.
23. Accepted the Animal Control Office Mission Statement as presented.
24. Adopted the L-4024 Report as presented.
25. Adopted a resolution regarding Great Lakes Water Basin.

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26. Adopted resolution for Application for Critical Bridge Funds.
27. Rescinded the intent to request a seat on TC TALUS.
28. Authorized the chairman mileage, per diem and meals for the trip to Lansing on April 16.