

**THE BENZIE COUNTY BOARD OF COMMISSIONERS**  
**February 2, 2010**

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, February 2, 2010, at 9:00 a.m. in the Commissioners Room, Government Center, Beulah, Michigan, 49617.

Present were: Commissioners Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse  
Absent: None

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

**Agenda:**

Motion by Walterhouse, seconded by Hollenbeck, to approve the agenda as amended, adding Green Team; Council Aging meeting information; Broadband following Public Input; amendment of meeting dates and times; ORV Amendments. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

**Minutes:**

Motion by Pitcher, seconded by Kelley, to approve the regular meeting minutes of January 19, 2010 as presented. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

**9:15 a.m. PUBLIC INPUT**

Norma Eason, Animal Welfare League, asks if any decisions have been made regarding bumping; asks if the citizen at large for the advisory board will be appointment by the Board of Commissioners or the advisory board, do we need to post all meetings; asks for consideration with the food budget for the animals.

Eric VanDussen talks about the police report of the cook stealing food from the Council on Aging; it was a daily occurrence; and the prosecuting attorney will not press charges due to the lack of policies in place at the Council on Aging; they have had the police called on Joan Cramer and himself too, feels the council should be subject to OMA and FOIA, the council is being mis-served by their attorney; questions the Will left funds to the Commission on Aging, not the Council on Aging, from the estate of Julius Seres.

**9:12 a.m. PUBLIC INPUT CLOSED**

**DEPARTMENT HEAD & ELECTED OFFICIAL REPORTS**

Craig Johnson, EMS Director, states that they have received a 2% grant from the Grand Traverse Band and will buy a snow ambulance "sled"; can also been used in the summer months, but would need something to pull it; call volume is up; will request a renewal Millage in August 2010 for operations only of .5795 and will change wording from ALS to EMS; the garage in Frankfort is on the Maples property and they hope to be expanding so need to discuss this; looking at some possible stimulus money to replace heart monitors.

Motion by Roper, seconded by Pitcher, to authorize Craig Johnson and Dawn Olney to contact Dave Stoker and have ballot wording and a resolution drawn up for EMS August 2010 election at .5795 mills. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

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**Broadband:** Comm Damm this committee has morphed with the technology committee; reject letter received regarding round one and introduces Rob Franzo with Wireless 20/20 independent consultant who is working with the Traverse Bay EDC; feels what we have received in the letter of rejection for round one is a form letter and is hard to say why we were rejected; hard to say why you were rejected; there were only three awards in the State of Michigan: 1) Chattem Telephone in the Upper Peninsula area; 2) MERIT networks received \$35 million; we met with them last night and was a good meeting to understand what and how they do things; 3) MSU computing center grants which focuses on libraries. As we go to the second round will be significantly modified applications. Have received responses from six of seven vendors yesterday; will now go through the next step with TCEDC; will be seeking letter of support from individual commissioners.

Chairman Tanner states that this is our product? Yes

Kevin Jackson, TBEDC, hands out TBEDC update; their focus is on investment strategies; they are also looking at zoning impediments at the townships; Phase 3 is part of round 2 which is what we are looking at; TBEDC is not submitting an application for their funds – we are looking at the private sector to do that and will support them.

Rob Franzo says that the time is: 1/15/2010 NOFA notice was sent; 2/16/2010 actual application is out; and due back 3/15/2010 by 5:00 p.m.

Kevin states that the Benzie EDC has a revolving loan fund that can be tapped into.

Linda Wilson states that as she understands, the county won't have to bond at all.

Comm Pitcher says Benzie County will not be the applicant on the next round.

Fred Affline asks EDC is not offering funds – only a loan? Each county EDC has a revolving loan fund to use. Collaboration: the TBEDC is working with more people, where is the collaboration – shouldn't we done one application rather than several?

Rob Franzo says we are trying to get the best application possible.

This board will have the final say.

9:55 a.m. Break

10:05 a.m. Reconvene

## FINANCE

Motion by Pitcher, seconded by Kelley, to approve payment of bills in the amount of \$162,666.55 as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Linda Wilson, County Treasurer, states that the surveyor has requested \$550.00 to attend a conference; Comm Pitcher believes he needs to bring his request to the budget committee in the future; Railroad Point budget; email from Equalization Director regarding taxable values decreasing; Linda wants to deal with it now, not wait; this will be only General Fund.

Motion by Kelley, seconded by Walterhouse, to approve \$550.00 for the surveyor to attend conference, with funds to come from contingency; he bring his future requests to the budget committee. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher and Walterhouse Nays: Roper and Tanner

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Motion by Pitcher, seconded by Roper, to amend the 2009-10 budget by increasing the revenues and expenditures for Fund 415 Railroad Point as follows:

Revenues:

415-000-664.00	Endowments	\$5,000
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Expenditures:

415-000-800.00	Contracted Services	\$5,000
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Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

### Special Meeting, Tuesday, February 9, 2010 @ 9:00 a.m. with General Fund Department Heads

#### PERSONNEL

Motion by Walterhouse, seconded by Pitcher, to reappoint Amy Bissell, Jean Bowers and Dawn Olney to the Benzie Housing Committee for a five year term ending February 1, 2015. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Pitcher, to send the EDC appointments to the interview committee. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Kelley, to reappoint Linda Wilson, Tom Longanbach, Amy Bissell and Dawn Olney to the Fee Committee for a two-year term, expiring February 2, 2013. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Walterhouse, seconded by Kelley, to reappoint James Sheets to the Parks and Recreation Commission for a three-year term, expiring December 31, 2012. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Pitcher, seconded by Kelley, to reappoint Dawn Olney to the Web Site committee for a two-year term expiring December 31, 2011. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Motion by Roper, seconded by Walterhouse, to accept the resignation of Mary Dort from the Benzie Transportation Authority with a Letter of Thank You to be sent. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

### Special Meeting, Wednesday, February 3, 2010 @ 10:00 a.m. regarding TPOAM Issues

#### CORRESPONDENCE

- Motion by Pitcher, seconded by Walterhouse, to adopt Resolution 2010-009 to Appoint Benzie County Treasurer as the Qualified Agent for signing of the Qualifying Statement with

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- the Department of Treasury. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- 2009 Drug Court contract adjustment request – information only.
- Email received from Larry Copley, Wexford County, requesting consideration of the possible collaboration for the emergency manager position; Sheriff Heckman, U/S Sholten, Chairman Tanner, Comm Roper, Craig Johnson & Gene Mayo have met and discussed this possibility; if joined, both entities could loose funding. Motion by Roper, seconded by Walterhouse, to send a letter to Mr. Copley denying his request, authorizing the chairman to sign. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None
- Frankfort City County Airport Authority minutes of January 7, 2010 received.
- NMCOG agenda for February 8, 2010 received.
- VanBuren County resolution regarding Heritage Road designation – information only.
- Information regarding planning and zoning and what services the county will provide for the amount of money that the seven townships would provide.

11:00 a.m. Tad Peacock, Conservation District

A couple of months ago he requested a Millage for August 2010; further discover has brought that they can only request a millage in even numbered years; so they are requesting a two year Millage for one-tenth (.10) of a mill to be placed on the August 3, 2010 ballot.

Motion by Tanner, seconded by Kelley, to approve Resolution 2010-008 to authorize a Millage request for the Benzie Conservation District of .10 mill for two years on the August 3, 2010 ballot.

Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

11:10 a.m. Break

11:15 a.m. Reconvene

11:15 a.m. Terry Money, Drain Commissioner

Terry has received a letter from EC&S; we agreed to pay them to do a study of the study regarding the Trapp Farm property here in Beulah; it was agreed that 1/3 of the bill would be taken from the 2009 budget; 1/3 from the 2010 budget and 1/3 from other entities that Terry would contact; he feels we need to pay the bill.

Linda Wilson will research the issue and report back to this board on February 16, 2010.

Ed Hoogterp, Crystal Lake & Water Shed President, says they do support the project and will come up with some funds to help out but cannot commit an amount.

11:30 a.m. Jay Pettitt, Bob Sommerville and Linda Wilson

They make a proposal to finish the Annex; Linda states that we could borrow from the Delinquent Tax Revolving Fund and she has presented an amortization schedule for 15 and 20 years; she has discussed this with John Axe the bond attorney and he says this is doable; we would use the existing furniture from this room.

Chairman Tanner would like to blend the use of the Green Team here.

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Motion by Kelley, seconded by Walterhouse, to move forward with the project and authorize the Building Authority to go out for bids with the 20 year plan.

Motion by Pitcher, seconded by Roper, to set on the table until April 20, 2010 board meeting.

Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Comm Walterhouse asks Mr. Pettitt for an update on Point Betsie Lighthouse: he states that things are progressing well enough but not used to spending money before we get it; this is the way the grant system works; we are beginning to get some money; the outside is done; the inside is about 40% done at this time.

Linda Wilson presents information regarding the EMS building and a lien being placed on the building for the amount of funds given to them two years prior.

Motion by Roper, seconded by Pitcher, to adopt the resolution 2010-010 Authorizing Loan from the Delinquent Tax Revolving Fund to the County as presented, authorizing the chairman to sign the Promissory Note and Mortgage. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

## CORRESPONDENCE CONTINUED

**ORV Ordinance Amendment:** Comm Roper presents recommendations for amendment to the ORV Ordinance following the committee meeting which was held January 20, 2010 with proposed changes: open 665 coming in due to Grand Traverse county being open; Cedar Run & 669; intersection of 610 crossing 669; open Carmean & Oakley Roads; Stanley Road North to US 31; horse trail issues across Hooker Road through Bronson Lake Rd to GT County; asked the road commission about a mixed trail sign – couldn't find signs and didn't want to put up signs that would confuse people; user group said they would use a different color line on the map and would designate what it is; training will cover stopping and turn off machine when a horse is present; resident issue for those living on closed roads which is restricted to the owner of the property only. Agreed with the Road Comm to leave Cedar Run closed; curves near the junk yard – leave that closed too; open Stanley Road; Fewins Road will open; Gilmore Twp is open; Colfax is open.

Motion by Kelley, seconded by Walterhouse, to move forward and allow amendments to the ORV Ordinance as presented. Roll call. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

- Traverse City Record Eagle article from the opinion page regarding water – information only.
- Planning Commission minutes of January 14, 2010 received.
- Road Commission minutes of November 11, November 25, December 10, December 14, 2009 and January 14, 2010 received.
- Request from The Maples for lunch and financial report.
- Discussion held regarding meeting dates and times. Motion by Walterhouse, seconded by Pitcher, to change the meetings to: every month the first Tuesday at 9:00 a.m.; alternate 3<sup>rd</sup> Tuesday meetings between 9:00 a.m. and 6:00 p.m. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

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- March 2, 2010 at 12:00 noon at the Maples for lunch and Financial Report.
- March 16, 2010 at 1:15 p.m. presentation from the Maples re addition at the regular meeting.
- Letter from the City of Frankfort regarding Open Meetings Act/Freedom of Information Act Class to be held on March 11, 2010 – information only.
- Letter from State of Michigan regarding 9-1-1 Committee – Lori Lautenbach received the same letter and will meet with her committee this week to discuss it further.

### **Council on Aging Issues:**

Two draft letters prepared by Mr. Figura addressing areas of concern; Ms Wolfe says the Council is not subject to OMA or FOIA; will request Mr. Figura add to the letter that the liaison get copies of accountings at the same time the other board members get them with a copy to the County Clerk; Comm Kelley asks the COA not prepare ledgers in pencil – only ink.

Motion by Walterhouse, seconded by Roper, to send the letter to the Council on Aging as amended, adding that all financials be provided to the liaison at the time same as the other board members and to the county clerk; with a deadline of March 2, 2010 to respond to this board with answers to the items listed in the letter. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: Pitcher

### **COMMISSIONER REPORTS:**

Comm Damm presents a letter from the Dept of Agriculture that Ed Carter has been certified by the State of Michigan.

Comm Pitcher stated that the Green Team has scheduled a meeting for February 16, 2010 at 1:00 p.m. with Comm Damm, Pitcher, Linda Wilson, Marlene Wood-Zylstra and a Citizen at Large member that has not been appointed yet. Patti O'Donnell with the Council of Government is going to give us an overview of what the Green Team has to do to comply with the grant; also will discuss if the Green Team shall do other things.

Comm Hollenbeck states that the HR committee will meet on February 9, 2010 at 12:00; committee members will meet at 11:00 to review procedures.

Comm Walterhouse discussed the county administrator job description; Crystal Lake Water Shed newsletter talked about the mediation – they had no business discussing mediation issues – that was sealed; MAC conference March 29 – 31, 2010, discussion held and the winter conference is more informative than the summer conference.

Comm Roper says the interview committee will meet tomorrow after the special meeting; about 11:00 a.m.

### **1:23 p.m. Public Input**

Marsha LaTour states that the room downstairs is large; they can bring in additional chairs too; may want to keep it in mind if it is available.

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Eric VanDussen stated that information regarding the boat launch in the newsletter is not anything that wasn't been said before; when looking at the financials of the Council on Aging, you should look at the expenditures for senior bus passes, went to the Benzie Bus and looked into how much COA has expended, \$54,000 for 3 years spent on senior transportation, prior to the Benzie Bus, the COA was spending in excess of \$200,000, what has been done with the extra money.

**1:25 p.m. Public Input Closed**

Motion by Roper, seconded by Kelley, to adjourn until February 16, 2010, or the call of the chair. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

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Donald R. Tanner -- Chairman

Dawn Olney – Benzie County Clerk

### INDEX

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2. Approved the regular meeting minutes of January 19, 2010 as presented.
3. Authorized Craig Johnson and Dawn Olney to contact Dave Stoker and have ballot wording and a resolution drawn up for EMS August 2010 election at .5795 mills.
4. Approved payment of bills in the amount of \$162,666.55 as presented.
5. Approved \$550.00 for the surveyor to attend conference, with funds to come from contingency; he bring his future requests to the budget committee.
6. Amended the 2009-10 budget by increasing the revenues and expenditures for Fund 415 Railroad Point as presented.
7. **Special Meeting, Tuesday, February 9, 2010 @ 9:00 a.m. with General Fund Department Heads**
8. Reappointed Amy Bissell, Jean Bowers and Dawn Olney to the Benzie Housing Committee for a five year term ending February 1, 2015.
9. Authorized to send the EDC appointments to the interview committee.
10. Reappointed Linda Wilson, Tom Longanbach, Amy Bissell and Dawn Olney to the Fee Committee for a two-year term, expiring February 2, 2013.
11. Reappointed James Sheets to the Parks and Recreation Commission for a three-year term, expiring December 31, 2012.
12. Reappointed Dawn Olney to the Web Site committee for a two-year term expiring December 31, 2011.
13. Accepted the resignation of Mary Dort from the Benzie Transportation Authority with a Letter of Thank You to be sent.
14. **Special Meeting, Wednesday, February 3, 2010 @ 10:00 a.m. regarding TPOAM Issues**
15. Adopted Resolution 2010-009 to Appoint Benzie County Treasurer as the Qualified Agent for signing of the Qualifying Statement with the Department of Treasury.

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16. Authorized to send a letter to Mr. Copley denying his request, authorizing the chairman to sign.
17. Approved Resolution 2010-008 to authorize a Millage request for the Benzie Conservation District of .10 mill for two years on the August 3, 2010 ballot.
18. Linda Wilson will research the EC&S issue regarding Trapp Farm property and report back to this board on February 16, 2010.
19. Tabled the issue of completion of the Annex until April 20, 2010 board meeting.
20. Adopted the resolution 2010-010 Authorizing Loan from the Delinquent Tax Revolving Fund to the County as presented, authorizing the chairman to sign the Promissory Note and Mortgage.
21. Authorized to move forward and allow amendments to the ORV Ordinance as presented.
22. Authorized change in the meetings to: every month the first Tuesday at 9:00 a.m.; alternate 3<sup>rd</sup> Tuesday meetings between 9:00 a.m. and 6:00 p.m.
23. Authorized to send the letter to the Council on Aging as amended, adding that all financials be provided to the liaison at the time same as the other board members and to the county clerk; with a deadline of March 2, 2010 to respond to this board with answers to the items listed in the letter.