

THE BENZIE COUNTY BOARD OF COMMISSIONERS

July 20, 2010

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, July 20, 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.

Motion by Walterhouse, seconded by Pitcher, to approve the agenda as presented. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Motion by Pitcher, seconded by Roper, to approve the regular meeting minutes of July 6, 2010 as presented. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

9:01 a.m. PUBLIC INPUT

Darwin Booher, Candidate for State Senate 35th District; Benzie County is just as important as the other 10 counties; three things if you want to be a State Senator are to: 1) Listen; 2) Learn and 3) Lead. His headquarters will remain in Evart. There is a huge problem with the economy and we are seeing at \$300 million deficit for 2010 at the State level.

Thelma Rider-Novak would like to propose a remedy: the Maples millage is adding roughly \$1 million to their budget; would suggest a referendum to terminate their millage and replace with another one that would cover their bond; she is doing a comparative study on other county-owed nursing homes in the State and all but five have responded, the information is sickening, and will give a copy to the board when complete; our administrator of the Maples is fourth highest paid in the state; there needs to be reconsideration of the county appointees to the Maples board; a cap needs to be put on the salary.

Carol Hines, Council on Aging Board, never heard anyone say until two weeks ago that the COA was in breach of contract; we are learning from our mistakes; we need to work together; did some investigation on who owns the buildings; Linda Davis told her that from the very beginning, the COA and Board of Commissioners have never got along; we are working to better ourselves.

John Zirkel, you read the financial reports in the newspapers and you have been told to save – now we have the Maples and they did exactly that; you have to have cash available; bills have to be paid; they are not begging that they are broke; they have done an excellent job.

9:27 a.m. PUBLIC INPUT CLOSED

ELECTED OFFICIALS & DEPT HEAD COMMENTS

Craig Johnson, EMS Coordinator, says they are working with the Benzie Bus for maintenance on the vehicles; we need another cardiac monitor; Blair Township has offered theirs for \$10,000 and we now have \$22,000 in contingency; the Advisory Board has agreed to do it but they would like to go back to the Advisory Board to determine if they should buy all new ones, or one used; they have up to one year to use the USDA grant funds.

COMMISSIONERS

Page 2

July 20, 2010

Motion by Roper, seconded by Walterhouse, to allow Craig Johnson to purchase the \$10,000 cardiac monitor from Blair Township and to come back with option to purchase additional monitors. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Rose Coleman, The Maples, says they are still working to replace the overhead canopy; currently waiting for some language from Dave Stoker to present to the building authority and then to you at the last meeting in August for placement on the November election; she did receive a 2% raise increase in 2009 to take effect when all other employees receive their raise which they received this June and she received one too.

Jamie Croel, Animal Control Officer, the Advisory Board met and states they are still working on the overhang and an exhaust fan; MDA inspection has been held and they want us to reseal the floors in the kennels (to be completed by Sept 2010 and they will inspect again); will also replace some kennel gates for the dogs; muffler replaced on the truck; attended Bark in the Park in Traverse City for an adoption day; they are staying busy and we have plenty of animals up there.

Steve Fouch, MSU Extension, says that as of July 1, MSU is working on a restructuring program and Pat Cudney is the new regional director and here today.

FINANCE

Motion by Walterhouse, seconded by Roper, to approve payment of bills in the total amount of \$278,275.43 as presented. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Linda Wilson presents the cash summary report with four funds in a deficit; we will continue to watch the Child Care Fund; will need to transfer to the jail operations fund next month.

Budget Committee Recommendations:

Motion by Walterhouse, seconded by Pitcher, that all per diems and mileage vouchers for all Board and Committees including the Board of Commissioners are to be submitted by the end of each month. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Motion by Walterhouse, seconded by Hollenbeck, that effective October 1, 2010 the Chief Deputies will be returned back to 40 hours per week and at an hourly rate of \$17.34 instead of salary and anything over 40 hours per week will be paid at the overtime rate. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper and Walterhouse Nays: Tanner Motion carried.

Motion by Walterhouse, seconded by Kelley, to not hire a county administrator. Roll call. Ayes: Damm, Hollenbeck, Kelley, and Walterhouse Nays: Pitcher, Roper and Tanner Motion carried.

Motion by Kelley, seconded by Hollenbeck, to put on a November Ballot proposal a request for a Supplemental General Fund Operating millage of .5 mills for an estimated revenue of \$541,246. Roll

COMMISSIONERS

Page 3

July 20, 2010

call. Ayes: Kelley Nays: Damm, Hollenbeck, Pitcher, Roper, Tanner and Walterhouse Motion denied.

Motion by Walterhouse, seconded by Kelley, to not hire a 911 coordinator. Roll call. Ayes: Damm, Hollenbeck, Kelley and Walterhouse Nays: Pitcher, Roper and Tanner Motion carried.

Motion by Pitcher, seconded by Damm, to request all Elected Officials, Judges and Department Heads to submit a line item budget for the 2011 budget. Further, a letter shall be sent to all persons informing them of the need to submit a line item budget. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

10:26 a.m. Break

10:35 a.m. Reconvene

PERSONNEL

Betsie Valley Trail Management Council: Openings for Village of Beulah and Village of Elberta.

Motion by Roper, seconded by Walterhouse, to appoint Gary Pallin as the Village of Beulah Representative to the Betsie Valley Trail Management Council for a three year term. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Motion by Roper, seconded by Pitcher, to appoint Scott Gest as the Village of Elberta Representative to the Betsie Valley Trail Management Council for a three year term. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

County Administrator: Chairman Tanner states that he will see that a letter gets sent to Charles Cleaver and Josh Mills that we will not be hiring a County Administrator.

CORRESPONDENCE

- Crystal Lake and Little Platte Lake Elevation Reports received.
- MAC Invoice for 2011 County Dues: Motion by Walterhouse, seconded by Pitcher, to authorize payment of the MAC dues in the amount of \$12,139.58 for 2011 after October 1, 2010 out of the new budget. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper and Walterhouse Nays: Tanner Motion carried
- Frankfort City County Airport Authority minutes of July 1, 2010 received.
- DHS Board Meeting minutes of June 29, 2010 received.
- Letter received from Platte Township regarding opting in of the ORV ordinance to be placed on the web site: Motion by Roper, seconded by Pitcher, to accept the letter and attachment from Platte Township regarding the ORV ordinance and place on the web site. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.
- Northern Michigan Substance Abuse minutes of May 3, 2010 received.
- Letter from Crystal Surveying recommending recording of survey. Motion by Pitcher, seconded by Roper, to authorize recording of the survey prepared by Crystal Surveying of Part of Gov't Lot 3, Section 21, T26N, R15W, Benzonia Township, Benzie County, Michigan. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

COMMISSIONERS

Page 4

July 20, 2010

- Notice from Probate Court of Estate of Julian Sears Estate hearing – August 4, 2010 @ 9:30 a.m. Chairman Tanner has discussed with Mr. Daugherty the handling of this matter for the county as counsel and Mr. Daugherty assures Mr. Tanner that he will be able to handle it for the county.
- Letter received from Cummings McClorey regarding retention & storage of file: Motion by Walterhouse, seconded by Damm, to allow the law firm of CMDA to destroy two files, Thomas vs Benzie County and VanDussen vs Benzie County. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

11:00 a.m. Elaine Wood, NM Council of Governments

Gives the annual report of Northwest Michigan Council of Governments for FY 2009; she highlights different areas of importance; the report is on the web site of NMCOG: www.nwm.org; the COG is nearly 100% grant funded

11:15 a.m. Tad Peacock, Benzie Conservation District

Tad starts by thanking Elaine and the COG for all their service and they are a great supporter of the HSCB.

Cheryl Kobernick, resident of Crystal Lake Township for the past 26 years; also a Clinical Program Director with CMH; spring seedling sale and had 104 orders with a net profit of \$4,600; over 3 million trees have been planted in Benzie County over the years; intern Ashley Oakley with their organization this summer.

Scott Hughey, US Dept of Ag in Bear Lake, over the last 5 years \$396,234 has been brought into Benzie County; our biggest client is fruit farmers – cherry and apple producers; most people their work with are agriculture.

Ron Olson, Friends of the Conservation District, was a soil conservationist for 37 years and volunteers now; every fall they have a canoe trip in conjunction with the Benzie Fisheries Coalition, they take every 6th grader at BCCS and 7th grader at FHS and canoe down the river learning different things. Really good activity – there are kids that have never had the chance to get involve with nature.

11:39 a.m. Break

11:49 a.m. Reconvene

Motion by Hollenbeck, seconded by Roper, to enter into a closed session to consult with counsel regarding the pending litigation between Cole vs Benzie County, to include James Sheets, Parks & Recreation Commission member and Mr. Figura. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

11:51 a.m. Enter closed session.

12:39 p.m. Re-Enter Open Session

Mr. Figura informs the board that the Griffin vs Benzie County Zoning Board of Appeals matter has been settled.

Motion by Roper, seconded by Kelley, to accept the attorney's recommendation to move ahead with the advice of counsel in Cole vs Benzie County. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

COMMISSIONERS

Page 5

July 20, 2010

COMMISSIONER REPORTS

Comm Pitcher states that Household Hazardous Waste collection date is August 7 call for an appointment; Planning Commission Strategic Planning Session was cancelled from July 14 due to lack of a quorum.

Comm Kelley has nothing additional.

Comm Roper states that Northern Michigan Counties Assoc had asst director of Garfield Twp said that a lot is changing at the state and they may be forcing us into township issues too regarding with Equalization Directors' qualifications, depending on the values within the county.

Comm Damm has nothing additional.

Comm Walterhouse inquiries of the Byro issue.

Comm Hollenbeck has nothing additional.

Chairman Tanner has nothing additional.

12:51 p.m. PUBLIC INPUT

Eric VanDussen updates the board of upcoming hearing dates on the Clarke suit and Sears Estate; talks about the audio equipment bids for the annex; LIAA would like to come to the board and do a presentation to the board regarding audio equipment.

12:54 p.m. Public Input Closed

Motion by Roper, seconded by Kelley, to adjourn until August 3, 2010, or the call of the chair. Motion carried. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None

Donald R. Tanner -- Chairman

Dawn Olney – Benzie County Clerk

INDEX

1. Approved the agenda as presented.
2. Approved the regular meeting minutes of July 6, 2010 as presented.
3. Authorized to allow Craig Johnson to purchase the \$10,000 cardiac monitor from Blair Township and to come back with option to purchase additional monitors.
4. Approved payment of bills in the total amount of \$278,275.43 as presented.
5. All per diems and mileage vouchers for all Board and Committees including the Board of Commissioners are to be submitted by the end of each month.
6. Effective October 1, 2010 the Chief Deputies will be returned back to 40 hours per week and at an hourly rate of \$17.34 instead of salary and anything over 40 hours per week will be paid at the overtime rate.
7. Approved to not hire a county administrator.
8. Denied to put on a November Ballot proposal a request for a Supplemental General Fund Operating millage of .5 mills for an estimated revenue of \$541,246.
9. Approved to not hire a 911 coordinator.
10. To request all Elected Officials, Judges and Department Heads to submit a line item budget for the 2011 budget. Further, a letter shall be sent to all persons informing them of the need to submit a line item budget.

COMMISSIONERS

Page 6

July 20, 2010

11. Appointed Gary Pallin as the Village of Beulah Representative to the Betsie Valley Trail Management Council for a three year term.
12. Appointed Scott Gest as the Village of Elberta Representative to the Betsie Valley Trail Management Council for a three year term.
13. Chairman Tanner will contact Charles Cleaver and Josh Mills and inform them that we will not be hiring a County Administrator at this time.
14. Authorized payment of the MAC dues in the amount of \$12,139.58 for 2011 after October 1, 2010 out of the new budget.
15. Accepted the letter and attachment from Platte Township regarding the ORV ordinance and place on the web site.
16. Authorized recording of the survey prepared by Crystal Surveying of Part of Gov't Lot 3, Section 21, T26N, R15W, Benzonia Township, Benzie County, Michigan.
17. To send a letter authorizing the law firm of CMDA to destroy two files in their possession, Thomas vs Benzie County and VanDussen vs Benzie County.
18. Entered into a closed session to consult with counsel regarding the pending litigation between Cole vs Benzie County, to include James Sheets, Parks & Recreation Commission member and Mr. Figura.
19. To accept the attorney's recommendation to move ahead with the advice of counsel in Cole vs Benzie County.