

THE BENZIE COUNTY BOARD OF COMMISSIONERS
September 21, 2010

The Benzie County Board of Commissioners met in a regular meeting on Tuesday, September 21, 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 Pitcher, seconded by Hollenbeck, to approve the agenda as amended, adding discussion regarding health insurance during finance report. 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 September 7, 2010 as amended, with change on page 8 during Comm Roper's report that the Road Commissioners held the steak fry not the Road Commission. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

9:04 a.m. PUBLIC INPUT

Thelma Novak, speaks to the interview process for the DHS Board, it was painfully embarrassing to see the Commissioners squirm to do the selection process; a question was asked regarding issues with the Maples yes, there are issues with the Maples.

Chris Legois, Director of DHS, states that this member of the board is not just for the Maples but also for the DHS.

9:08 a.m. PUBLIC INPUT CLOSED

ELECTED OFFICIALS & DEPT HEAD COMMENTS

Craig Johnson, EMS Director, talks about the vacation and wages, did a study of other areas and we are really not paying the EMT like they should be; base rate now is \$9.50/hour; their wages were reduced in the fall of 2006 and only received raises 2% increase like the county has received; Asks for an EMT Specialist and Conditional Paramedic.

Comm Roper states that the EMS committee has looked at this increase and approved it.

Motion by Roper, seconded by Walterhouse, to approve the base rate changes as presented, effective October 1, 2010. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Vacation: 2006 the EMS staff and the former county administrator agreed to allow them to carry over 32 hours of vacation and use it within 90 days. Eight staff members have lost 16 – 55 hours; if they are allowed to carry over, they will agree to use within 90 days and will use all vacation time before their anniversary date in the future.

Motion by Roper, seconded by Damm, to allow the eight EMS employees to carry over a maximum of 32 hours vacation time to be used within the next 90 days. Roll call. Ayes: Damm, Hollenbeck, Pitcher and Roper Nays: Kelley, Tanner and Walterhouse Motion carried.

Linda Wilson, County Treasurer, presents the Remonumentation Contract with Crystal Surveying in the amount of \$28,900 for the period ending December 31, 2010.

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Motion by Walterhouse, seconded by Pitcher, to renew the Remonumentation Contract with Crystal Surveying as presented. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

John B. Daugherty, Prosecuting Attorney, addresses the latest and greatest proposal from the budget committee and the cuts for the Victim Advocate and Administrative Assistant in his office; in round number is a total of about \$15,000; Administrator does a lot of clerical work and 4-D contract for child support; says it is mandated; the proposed cuts would take us down to less than a serviceable level; Victim Advocate deals with victims on a daily basis – says it is also mandated; helps with 4-D contract, witnesses and subpoenas; believes you cannot reduce the Assistant Prosecuting Attorney benefits according to the employee hand book – you can't pick and choose who gets benefits; statute says you cannot reduce the salary of the Chief Asst Prosecutor during his term of office; he is handling a couple of civil suits for the county and the amount for outside counsel has been reduced because of that; matching grant funds are \$1.66 for every \$1.00.

Michelle Steffens explains grant amounts and budget amounts.

John Daugherty says remember that you have to reduce non mandated before mandated offices.

Amy Bissell, Register of Deeds, states that in light of the newspaper articles, her office did give their share when the budget committee asked for reductions mid year.

Jamie Croel, Animal Control Officer, states that they finished sealing the floors at the ACO and saved about \$2,300; in your packet is the Cleaning Contract for the shelter; annual conference in Lansing and they do have the money in their budget to send one officer.

Motion by Walterhouse, seconded by Pitcher, to renew the Animal Shelter Cleaning Agreement with Rebecca Knapp for one year from October 1, 2010 to September 30, 2011, as presented. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Motion by Walterhouse, seconded by Kelley, to authorize the Animal Control Officer to attend the annual conference in Lansing. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Rory Heckman, Sheriff, says that Friday night they had a cow/car accident and no one was injured in the car.

FINANCE

Motion by Walterhouse, seconded by Roper, to approve payment of the bills in the total amount of \$222,554.96 as presented.

Motion by Walterhouse, seconded by Kelley, to amend to pull the Building Dept bill for parking signs in the amount of \$90.00 and not pay.

Vote on amendment: Roll call. Ayes: Damm, Hollenbeck, Kelley, Roper, Tanner and Walterhouse Nays: Pitcher Motion carried.

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Vote on original motion as amended: Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion Carried.

Linda Wilson presents the cash fund summary report with three funds in a deficit; she also presents the investment report for 2010.

Motion by Walterhouse, seconded by Pitcher, to accept the bid from Randy Eberhart to repair the handicap sidewalk at the cost of \$1,080.00. Fund will be taken out of the Capital Improvement Fund. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Motion by Roper, seconded by Pitcher, to close out fund 354 Ambulance millage/debt fund and transfer the cash balance of \$7,799.62 to the Equipment Replacement Fund (425) to be used for new ambulance. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Health Insurance: Linda states that they have met with the unions and have a verbal approval to move to PPO15 Option 5 with reduced rates and a self funding drug program.

Motion by Walterhouse, seconded by Roper, to notify Cadillac Insurance to go forward with the PPO15 Option 5 to be reimbursed back to a PPO1 for November 1, 2010 renewal.

Motion by Tanner, seconded by Walterhouse, to lay on the table to get correct wording and bring back to the board on September 28, 2010. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

10:16 a.m. Break

10:29 a.m. Reconvene

PERSONNEL

Motion by Roper, seconded by Pitcher, to reappoint Norma Eason to the DHS Board for a three year term, ending October 31, 2013. Roll call. Ayes: Damm, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: Hollenbeck Motion carried

Motion by Roper, seconded by Walterhouse, to appoint Nina Bondarenko to the Planning Commission to represent the segment of Business & Economic Development for a term ending September 15, 2013. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Motion by Kelley, seconded by Walterhouse, to reappoint Dawn Campeau to the Solid Waste Advisory Committee for a three year term, expiring September 21, 2013. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Motion by Pitcher, seconded by Roper, to reappoint Jane Schultz to the Solid Waste Advisory Committee for a three year term, expiring September 21, 2013. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

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Craig Johnson, EMS Director, presents Disciplinary Board DRAFT policy and a Drug and Alcohol DRAFT Policy to the board.

Motion by Kelley, seconded by Damm, to approve the creation of a Disciplinary Board for EMS. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper and Walterhouse Nays: Tanner Motion carried.

11:00 a.m. Ray Schmekel, Blarney Castle

Explains to the Board the fuel program offered by Blarney Castle they also offer a rebate program which is capped at 4 ½ cents per gallon; there is an application form to fill out; there is no service fee to Blarney Castle.

Comm Walterhouse explains that the county gets the fuel from the Road Commission – there are a couple credit cards for use elsewhere.

Roger Griner, Road Commissioner, states that we do have 24 hour service available; only premium diesel fuel; looking at a totally new system.

Comm Roper to follow up with this program.

11:15 a.m. Green Team Energy Recommendations – Comm Pitcher

Comm Pitcher explains the recommendations of the committee following the energy audits; and the biggest bang for our buck would be replacing the lighting at the Government Center and Jail facilities. Motion by Pitcher, seconded by Roper, to allow the expenditure of grant funds to install T8 Fluorescent Lighting and Reflectors in both the Government Center and Jail. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

11:35 a.m. Break

11:45 a.m. Reconvene

Lindy Milner and Mary Bigelow – Gail Winds Power Project with DUKE Energy

They present through a power point and inform the board regarding wind farms in Manistee (Pleasanton, Arcadia and Bear Lake Townships) and Benzie Counties (Joyfield & Blaine Townships); #2 area in the state for wind (Manistee & Benzie Counties); DUKE owns, operates & develops the project; they will double the size of the project for Benzie County to 56 wind turbines;

12:15 p.m. Break for Lunch

1:00 p.m. Reconvene

PUBLIC HEARING ON 2010-11 BUDGET

Setting of the 2010-2011 Budget.

Linda Wilson gave a budget overview of the funds increases and decreases.

Sheriff Heckman says that all programs in the jail will now be 8 am to 4 p.m. with no evening classes; visitation hours have also been changed; they have eliminated one full time and two part time corrections officers; will have an impact, there is no way to get around it.

1:19 p.m. OPEN PUBLIC HEARING

Thelma Rider Novak asks about the millages – is the Maples millage a part of the resolution or not?

1:20 p.m. PUBLIC HEARING CLOSED

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DEPARTMENT HEADS

Sheriff Heckman: Public safety was hit by 50% and we do not take 50% of the budget; \$300,000 was trimmed from their budget. There will be impacts, you can't have cuts without impacts; have a deputy with over 100,000 miles on his vehicle and he has waived the purchase of new vehicle; public safety has done more than their fair share.

Undersheriff Sholten: Appreciate the hard work of the budget committee; they have tried everything to help out; I understand the difficulty in budgets when revenues drop; public safety has been targeted in some fashion; he sees increases in some department budgets; should be parity across the board in the reductions and should not be targeted departments; they will do the best they can with what they are given; in budget discussions there has also been talk of statutory mandated offices and support staff.

Tom Longanbach, Equalization Director, asks if now is the time to talk about Act 88 – Washtenaw & Gratiot counties are ones that assess this millage (that he knows of); allows the commissioners to levy one half mill – can be used for agricultural, industrial and tourism; would raise about \$500,000.

John B. Daugherty, Prosecuting Attorney, said the Prosecutor's office has historically been underfunded, the administrative position is a catch all position; we are busy and keeping up but if we are reduced support staff it will have an effect on us as well; this is a statutorily mandated office.

Steve Fouch, MSU Extension, \$500,000 would be plenty; we will lose a secretary, but appreciate the 12 hours be put back in for a secretary; will be down to himself and Terese Povolo and will do the best we can; asks for flexibility with the money they are given.

Comm Roper appreciates what Frank, Tom, Linda and Kristin has done with the budget; since he has been here it has been getting worse and we can't continue down this path; we need to set out with a directive to start to alleviate this problem, whether the tax allocation or millages. We need to dedicate ourselves to do something, we need to start looking at everything. He urges everyone to move forward, we need the public's help too.

Comm Pitcher says she thinks there is a shift in the thinking of the people and they may agree to millages out there.

Thelma Novak says she is pleased to hear Mr. Roper say that; go to the public and see what they think, get the people involved.

Michelle Steffens, Asst Prosecutor, as if you could address the matching grants and where those funds will come from to perform the statutorily mandated functions.

Chairman Tanner reads the statement of millages for a total of 7.3523.

Motion by Walterhouse, seconded by Hollenbeck, to set the FY 2010-2011 budget at \$26,064,605.00 with all millages as presented. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper and Walterhouse Nays: Tanner Motion carried.

Motion by Roper, seconded by Pitcher, to adopt the L-4029 millage rates with the inclusion of 0.0250 mill for Veterans Relief Fund. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

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Motion by Roper, seconded by Walterhouse, to authorize sending a letter to the employees regarding lay off, authorizing the chairman to sign. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

2:08 p.m. Break

2:18 p.m. Reconvene

MDNRE Waterways Agreement – request addendum to the grant.

Motion by Walterhouse, seconded by Pitcher, to approve the Agreement Addendum as extension of the grant agreement for \$76,500 with a \$25,000 match (using no general fund dollars), for the boat launch at the end of Lake Michigan Road extending to August 28, 2013. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Motion by Roper, seconded by Walterhouse, to adopt Resolution 2010-040 regarding MDNRE grant extension as presented. Roll call. Aye: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Motion by Roper, seconded by Walterhouse, to enter into agreement with the Benzie County Road Commission for maintenance on the Jail Access Road, authorizing the chairman to sign the contract as presented. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

Motion by Roper, seconded by Walterhouse, to enter into agreement with the Benzie County Road Commission for Betsie Valley Trail maintenance, authorizing the chairman to sign the contract as presented. Roll call. Ayes: Damm, Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried.

CORRESPONDENCE

- Letter from NMSAS notifying us of retirement of Dennis Priess – information.
- Letter received from the Dept of Treasury regarding ARRA funds not being used being recouped by the State of Michigan – Comm Roper to ask the Road Commission if they are planning to apply for any of these funds.
- Resolution received from Midland County regarding per diem rate for foster care – information.
- Frankfort City County Airport Authority minutes of September 2, 2010 received.
- Memo from Area Agency on Aging regarding the number of congregate and home delivered meals that have gone down along with costs in Benzie County. Comm Kelley has talked with Mr. McQuilken and he will address it.
- Northern Michigan Counties Assoc minutes of July 19, 2010 received. There is discussion of districting for road commissioners – no talk about increasing the number of members.

2:45 p.m. Comm Damm Excused

Maples Millage: Motion by Pitcher, seconded by Roper, that in the event the Maples November 2, 2010 capital improvement millage question is passed by the voters of Benzie County, the total amount

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assessed by the County for the Maples will not exceed .9904, which is the current total amount collected. During the remainder of the current millage period 2010 - 2011, if the amount required to secure the construction bonds (.635 of the .9904 ~~.0094~~ total allowed) is reduced, the County will still levy the full amount allowed by law (currently .9904), with the remainder to be used for the operations of the Maples. Ayes: Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: Hollenbeck Exc: Damm Motion carried.

Comm Tanner discussed the agreement at the joint court committee: Motion by Roper, seconded by Walterhouse, that the Benzie County Board of Commissioners accept the recommendation of the joint court committee effective October 1, 2010. Ayes: Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Exc: Damm

Chairman Tanner has received a letter from Mr. Kazem requesting a closed session regarding Whale vs Benzie County – Clerk will try and set him on the October 5, 2010 meeting date.

COMMISSIONER REPORTS

Comm Pitcher reported that the Grand Vision Benzie will hold an event on October 26 at Crystal Mountain with a time to be determined; she attended the Conservation District meeting on Friday and they have a draft budget prepared; attended the Friend of the Point Betsie Lighthouse on Sept 20 and the \$120,000 issue will be resolved.

Comm Kelley provides a written report.

Comm Roper reported that the Transportation Authority facility is close to being operational; attended the bridge dedication last week at Burnt Mill and Otter Creek; Lake Ann Village is struggling with millage rates – they can raise the millage on their own; Almira Township opened bids on two ambulances.

Comm Walterhouse discusses the building dept sign issue: Motion by Walterhouse, seconded by Pitcher, to authorize payment of the invoice regarding parking signs for the Building Dept in the amount of \$90.00. Roll call. Ayes: Hollenbeck, Pitcher and Walterhouse Nays: Kelley, Roper and Tanner Exc: Damm

Comm Hollenbeck states that the Elberta sidewalks on Furnace Avenue look very nice, they have handicap entrances as well; will attend the Frankfort City council meeting tonight.

Comm Tanner says the Thompsonville streetscape is completed and looks very nice; there is ongoing discussions regarding zoning with the villages and townships.

3:17 p.m. PUBLIC INPUT

Marsha LaTour stated, regarding Act 88 of 1913, that if you approved some things from correspondence and if you went back and adopted the .5 mill that was mentioned, you could take some of those out of there.

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Deb Sever, Council on Aging Director, talked about the Area Agency on Aging meal numbers – yes we have been struggling but congregate meals are up 122%; a lot of people are on restrictions, moving in with their children out of the area for care or reduced due to the death of the client; but they have received 15 new clients over two months; they are continuing with outreach attempts; we are doing what we can.

Carol Hines comments on the Sheriff Dept cover 50% of the deficit, that is terrible that they have to cover it; do any employees have to cover a portion of the health benefits; did you ever think about cutting fringe benefits.

Linda Wilson states that there is \$42,827.73 fund balance in Veterans Benefit Fund.

3:22 p.m. PUBLIC INPUT CLOSED

Comm Walterhouse comments that we eliminated the controller and two secretaries; no money to put them back on; don't know what we will do, there is only \$13,000 in contingency that is unbelievable.

Motion by Walterhouse, seconded by Hollenbeck, to adjourn until September 28, 2010, or the call of the chair. Ayes: Hollenbeck, Kelley, Pitcher, Roper, Tanner and Walterhouse Nays: None Motion carried. Exc: Damm

Donald R. Tanner -- Chairman

Dawn Olney – Benzie County Clerk

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1. Approved the agenda as amended.
2. Approved the regular meeting minutes of September 7, 2010 as amended.
3. Approved the base rate changes as presented, effective October 1, 2010.
4. Allowed the eight EMS employees to carry over a maximum of 32 hours vacation time to be used within the next 90 days.
5. Approved renewal of the Remonumentation Contract with Crystal Surveying as presented.
6. Approved renewal the Animal Shelter Cleaning Agreement with Rebecca Knapp for one year from October 1, 2010 to September 30, 2011, as presented.
7. Authorized the Animal Control Officer to attend the annual conference in Lansing.
8. Approved payment of the bills in the total amount of \$222,554.96 as amended removing the Building Dept bill for parking signs in the amount of \$90.00 and not pay.
9. Accepted the bid from Randy Eberhart to repair the handicap sidewalk at the cost of \$1,080.00. Fund will be taken out of the Capital Improvement Fund.
10. Approved to close out fund 354 Ambulance millage/debt fund and transfer the cash balance of \$7,799.62 to the Equipment Replacement Fund (425) to be used for new ambulance.
11. Approved to lay the health insurance issue on the table until proper wording is received from Cadillac Insurance to September 28, 2010.
12. Reappointed Norma Eason to the DHS Board for a three year term, ending October 31, 2013.
13. Appointed Nina Bondarenko to the Planning Commission to represent the segment of Business & Economic Development for a term ending September 15, 2013.

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14. Reappointed Dawn Campeau to the Solid Waste Advisory Committee for a three year term, expiring September 21, 2013.
15. Reappointed Jane Schultz to the Solid Waste Advisory Committee for a three year term, expiring September 21, 2013.
16. Approved the creation of a Disciplinary Board for EMS.
17. Authorized to allow the expenditure of grant funds to install T8 Fluorescent Lighting and Reflectors in both the Government Center and Jail.
18. Public hearing held on the 2010-2011 budget.
19. Set the FY 2010-2011 budget at \$26,064,605.00 with all millages as presented.
20. Adopted the L-4029 millage rates with the inclusion of 0.0250 mill for Veterans Relief Fund.
21. Authorized sending a letter to the employees regarding lay off, authorizing the chairman to sign.
22. Approved the Agreement Addendum as extension of the grant agreement for \$76,500 with a \$25,000 match (using no general fund dollars), for the boat launch at the end of Lake Michigan Road extending to August 28, 2013.
23. Adopted Resolution 2010-040 regarding MDNRE grant extension as presented.
24. Entered into agreement with the Benzie County Road Commission for maintenance on the Jail Access Road, authorizing the chairman to sign the contract as presented.
25. Entered into agreement with the Benzie County Road Commission for Betsie Valley Trail maintenance, authorizing the chairman to sign the contract as presented.
26. Approved that in the event the Maples November 2, 2010 capital improvement millage question is passed by the voters of Benzie County, the total amount assessed by the County for the Maples will not exceed .9904, which is the current total amount collected. During the remainder of the current millage period 2010 - 2011, if the amount required to secure the construction bonds (.635 of the .9904 total allowed) is reduced, the County will still levy the full amount allowed by law (currently .9904), with the remainder to be used for the operations of the Maples.
27. Accepted the recommendation of the joint court committee effective October 1, 2010.
28. Denied payment of the invoice regarding parking signs for the Building Dept in the amount of \$90.00.