

Regular Session of the Board of County Commissioners for the County of St. Joseph, State of Michigan, was held in the Commissioners' Room, Courthouse at the Village of Centreville, Michigan on February 1, 2005, at 5:00 p.m.

Chairman Monte Bordner called the meeting to order.

The Invocation was given by Commissioner Pueschel.

The Pledge to the American Flag was given.

The Clerk, Pattie S. Bender, called the roll and the following Commissioners were present:

Eric Shafer	Gerald E. Loudenslager
John W. Bippus	Robin Baker
Monte Bordner	David J. Pueschel
John L. Dobberteen	

Also present were Judy West-Wing, Administrator/Controller, Dan Carey, Finance Director and Charles Cleaver, Human Resources Director.

AGENDA

Ms. West-Wing asked that the Independent Contractor's Agreement be removed from the agenda.

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the agenda be approved as amended. Motion carried.

MINUTES APPROVED

It was moved by Commissioner Dobberteen and supported by Commissioner Pueschel that the minutes for January 18, 2005 be approved. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, January 21 and January 28, 2005.
2. Minutes of Commission on Aging Board meeting of November 17, 2004.
3. Minutes of Community Mental Health Services Board meeting of December 14, 2004.
4. Minutes of Family Independence Agency Board meeting of December 21, 2004.

It was moved by Commissioner Loudenslager and supported by Commissioner Shafer that the communications be accepted and placed on file. Motion carried.

CITIZENS COMMENTS

Ms. West-Wing introduced the new Parks and Recreation Director, John Pence. Mr. Pence stated that he is happy to be here and he has found the people to be wonderful. He gave his background including his previous employment. He stated that he is looking forward to using his skills here.

PRESENTATION

Chairman Bordner presented a plaque to Commissioner Dobberteen thanking him for serving the past 2 years as Chairman of the Board.

CAMPGROUND ATTENDANT AGREEMENT WITH CLARENCE AND PAT LEMON (CADE LAKE PARK)

Ms. West-Wing recommended for approval an agreement with Clarence and Pat Lemon who are the caretakers at Cade Lake Park. They live there year round. The agreement identifies the terms and conditions and the responsibilities of the County and the Lemons.

It was moved by Commissioner Dobberteen and supported by Commissioner Shafer that the Agreement with Clarence and Pat Lemon be approved.

The aye and nay vote was called as follows:

Aye votes: 7 – Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes: 0

Motion carried.

REQUEST FOR USE OF COURTHOUSE PROPERTY FOR 2005 COVERED BRIDGE DAYS

Ms. West-Wing stated that a request has been received from the Covered Bridge Days Committee requesting the use of the Courthouse property for the 2005 Covered Bridge Days to be held June 24-26. They are also requesting that a tent be set up in the parking lot across the street from the Courthouse and that is not being recommended by the Executive Committee.

It was moved by Commissioner Loudenslager and supported by Commissioner Bippus that the Covered Bridge Days Committee be granted permission to use the Courthouse property and they cannot put up a tent in the parking lot across the street. Motion carried.

WASTE MANAGEMENT HOST COMMUNITY AGREEMENT

Commissioner Shafer submitted the following letter:

“I am writing this to formally bring to the attention of the St. Joseph County Board of Commissioners a conflict of interest that I have the potential of incurring. As you know, I am the Site Manager of Westside Landfill, a subsidiary of Waste Management of Michigan, Inc. As you are also aware, there is a contract that exists between the County of St. Joseph, Michigan and Waste Management Michigan, Inc., which allows for the operation of Westside Landfill within the borders of the County. In the past several months, we have discussed renegotiating that contract to change language within the contract that would be beneficial to both parties and this, of course, is where the potential conflict of interest problem occurs.

Before I made the decision to run for the position of District 1 County Commissioner I made an inquiry as to whether or not I would be entering into a conflict of interest if I won the election. Several sources told me that I would avoid that problem as long as I abstained from any vote concerning the contract between the two parties. In the past several weeks, however, it has come to my attention that I need to do more than just abstain from voting on the contract. I have learned that MCL 15.322, Sec. 2 states “a public servant shall not directly or indirectly solicit any contract between the public entity of which he or she is an officer or employee and...(a)ny private corporation in which he or she is a stockholder owning...stock with a present total market value in excess of \$25,000...”. MCL 15.322, Sec. 3 goes on to state that “(i)n regard to a contract described in subsection (2), a public servant shall not do either or the following: (a) Take any part in the negotiations for such a contract or the renegotiation or amendment of the contract, or in the approval of the contract,. (b) Represent either party in the transaction.” As the Engineer and Manager of Westside Landfill I have, over the years, received stock options which make me an employee of a private corporation in which I am a stockholder owning stock with a present total market value in excess of \$25,000 and, therefore, fall under the rule mentioned above.

Interestingly, MCL 15.323, Sec. 3 provides exceptions to the rule but I believe that in the interest of avoiding any potential public misunderstanding and to avoid any embarrassment to myself or to the St. Joseph County Board of Commissioners that it would be in everybody’s best interest if all of the following occurs:

- 1) I will not take part in any negotiations regarding the contract between the County and Waste Management of Michigan nor will I represent either party.
- 2) If the commissioners vote to discuss this negotiation in a closed session I will excuse myself from the chambers.
- 3) I will continue to abstain from any vote concerning the contract.
- 4) Publicly acknowledge this letter (letter omitted) during a County Board of Commissioners meeting.

I do not want there to be any suspicion or concern on the public's part that myself or the Board of Commissioners are conducting business that is, in any way, illegal or unethical.

Sincerely,

S/ Eric Shafer
County Commissioner, District 1

It was moved by Commissioner Dobberteen and supported by Commissioner Loudenslager that the letter from Commissioner Shafer be accepted. Motion carried.

PUBLIC HEARING – FARMLAND PRESERVATION ORDINANCE

Chairman Bordner opened the public hearing on the Farmland Preservation Ordinance.

Tim Carls, 63044 Klinger Lake Road, Centreville; Max Benne, 70811 S. Lakeview, Sturgis; Chuck Eckenstahler; David Girton, 21269 Fawn River Road, White Pigeon; Carroll Parmeter, 52410 Lewis Lake Road, Marcellus; and Tom Donaldson, 65030 Balk Road, Sturgis all made comments during the public hearing.

Some issues discussed were the next steps that need to be taken and whether or not they should hold off approving the ordinance until those steps are in place.

There was also discussion regarding the money that will be available from the Michigan Department of Agriculture when the ordinance is certified.

There were also comments regarding the fact that farmland preservation is voluntary and that there is a lot of good farmland in St. Joseph County and that it has to be protected.

Some urged the Board to pass the ordinance and then the next steps would be worked on, one of which is to work with the townships to get their support and that there is a way to amend the ordinance later.

Chairman Bordner declared the public hearing closed.

Mr. Donaldson, from the EDC, stated that a good manageable, workable ordinance needs to be put into place and that the EDC supports the ordinance. They are also interested in forming the Land Preservation Task Force. Personally, he believes that the Board should hold off approving the ordinance until everything is in place.

It was moved by Commissioner Dobberteen and supported by Commissioner Pueschel that the Farmland Preservation Ordinance be adopted as presented.

After much discussion by the Commissioners and several questions that were answered by those that made comments it was moved by Commissioner Dobberteen and supported by Commissioner Pueschel that the motion be amended and that this be considered first reading of the ordinance and that it be presented at the next meeting.

The aye and nay vote to amend the motion is as follows:

Aye votes: 6 – Commissioners Shafer, Loudenslager, Baker, Bordner, Pueschel and Dobberteen.

Nay votes: 1 – Commissioner Bippus.

Motion carried.

The aye and nay vote on the motion to consider this the first reading of the Farmland Preservation Ordinance and that it be placed on the agenda for the next meeting is as follows:

Aye votes: 7 – Commissioners Shafer, Loudenslager, Bippus, Baker, Bordner, Pueschel and Dobberteen.

Nay votes: 0

Motion carried.

COMMITTEE REPORTS

Law Enforcement

Commissioner Dobberteen stated that the Law Enforcement Committee has not met.

Judiciary

Commissioner Baker stated that the Judiciary Committee Meeting was discussed at the last meeting.

Physical Resources

Commissioner Shafer stated that there was no report.

Executive Committee

Commissioner Dobberteen stated that everyone has received a copy of the minutes of the Executive Committee meeting held on January 28th and highlighted the following:

- Friend of the Court Position.
- Covered Bridge Days Request.

Investment Advisory Committee

Commissioner Bippus stated that the Investment Advisory Committee met on January 18th, everyone has a copy of the minutes and he will answer any questions that anyone may have.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

RESIGNATION:

Patricia Bundy, Friend of the Court Clerk, has resigned effective March 31, 2005.

REMOVED FROM OFFICE:

James Noecker, 45th Circuit Court Judge, has been removed from office effective February 1, 2005.

It was moved by Commissioner Dobberteen and supported by Commissioner Shafer that the personnel report be approved. Motion carried.

REQUISITION

Ms. West-Wing presented the following report:

One Dell desktop OptiPlex GX280, one Dell Laptop D505, one Dell Ultrasharp 1704FPV flat panel monitor, and one HL 5170DN laser printer for Emergency Services (Homeland Security Grant funds) \$ 4,464.04

It was moved by Commissioner Bippus and supported by Commissioner Dobberteen that the requisition be approved. Motion carried.

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

FROM APPROPRIATION:

\$127,704.00 from Parks and Recreation Appropriation to Parks and Recreation Fund.

\$8,000.00 from Soil Conservation – Soil Erosion Appropriation to Soil Conservation – Soil Erosion Fund.

\$13,000.00 from Soil Conservation Appropriation to Soil Conservation Fund.

It was moved by Commissioner Dobberteen and supported by Commissioner Bippus that the budget adjustments be approved. Motion carried.

BILLS

Mr. Carey presented the following bills for payment:

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Appropriations	\$ 48,864.44	\$
County Commission	12,541.88	5,808.48
Circuit Court	10,113.45	16,579.85
District Court	1,705.17	64,135.95
Friend of the Court	3,024.05	36,180.46
Probate Court	153.97	18,407.20
Juvenile Branch	7,269.22	39,925.28
Appeals Court	1,109.95	2,747.18
Public Defender	400,000.00	
Administration	415.00	9,532.59
Finance Department	1,162.31	11,697.77
County Clerk	761.00	22,317.44
Equalization Department	6,798.00	10,860.34
Human Resources		6,442.43
Geographic Information Systems		9,299.37
Prosecutor's Office	8,645.70	41,126.25
Central Services	12,879.34	5,393.61
Register of Deeds	96.80	12,333.63
County Treasurer	2,132.00	23,720.16
Cooperative Extension	32,320.01	8,353.79
Information Technology	2,393.47	10,762.74
Buildings & Grounds	7,619.28	14,665.27
Courts Building Security		4,354.77
Drain Commission	460.00	4,981.15
Sheriff Department	11,036.05	93,643.50
Sheriff Reserves	1,259.50	685.19
Jail & Turnkey	13,213.10	114,974.25
Planning Commission	433.00	
Emergency Services	700.16	4,486.25
Animal Control	263.28	8,289.44
Board of Public Works	145.88	547.70
Medical Examiners	2,800.00	
Child Care - Probate	2,656.59	405.72
Veterans' Services	2,671.02	
Utilities & General Services	<u>26,373.71</u>	_____
Total	\$622,017.33	\$602,657.76
 <u>OTHER FUNDS</u>	 <u>EXPENDITURES</u>	 <u>PAYROLL</u>
County Road Commission	\$ 409,948.02	\$
Parks & Recreation	936.89	2,969.66
Emergency 911 Service	23,508.75	56,183.90
Central Dispatch - Wireless	630.00	4,968.41
Meyer Broadway/Coon Hollow Park	1,450.81	2,183.34
Friend of the Court		1,331.86

<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Family Counseling	\$ 378.75	\$
Cade Lake County Park	559.62	
Waste Management Fund		
County Commission	48,201.75	
Resource Recovery Program	17,385.24	491.31
Traffic Safety Program Fund	403.86	
Economic Development Fund	1,380.59	8,163.76
Survey & Remonumentation	1,563.00	
Register of Deeds Automation Fund		746.96
Victims' Rights Advocate Fund		3,162.06
Community Corrections Advisory Board	6,401.67	2,805.65
Community Corrections Program	3,745.72	484.43
Drug Law Enforcement Fund	3,193.31	
Law Enforcement Fund	779.10	17,491.09
Secondary Road Patrol		9,059.17
Homeland Security Grant Fund	35,975.12	
Law Library Fund	586.00	
Principal Residence Denial Fund		1,075.73
Commission on Aging	33,294.36	39,959.92
Community Development Block Grant	779.96	
Family Independence Agency	48,883.03	
Child Care - Probate Court	26,408.62	2,993.47
Child Care - Family Independence Agency	25,964.52	
Veterans' Trust Fund	192.10	
Facilities Maintenance Fund	122,304.86	
BPW #16 Lockport Township Water Supply System		
Construction	93,768.70	
Tax Payment Fund	23,371.05	
Inmate Store	1,760.18	
Three Rivers Community Center	2,430.59	226.36
Flexible Benefits Insurance Fund	<u>146,974.99</u>	<u> </u>
 Total	 \$ 1,083,161.16	 \$ 154,297.08
 Grand Total	 \$ 1,705,178.49	 \$ 756,954.84
 General Fund Operating Expenditures		
Pre-Authorized	\$544,727.74	
Accounts Payable	\$77,289.59	
	\$ 622,017.33	
General Fund Payroll Expenditures	\$ 602,657.76	
 Other Funds Operating Expenditures		
Pre-authorized	\$1,071,814.05	
Accounts Payable	\$11,347.11	
	\$ 1,083,161.16	
 Other Funds Payroll Expenditures	 <u>154,297.08</u>	
 Total Recorded for the Month	 \$ 2,462,133.33	

It was moved by Commissioner Dobberteen and supported by Commissioner Bippus that the bills be approved for payment. Motion carried.

CHAIRMAN'S REPORT

Chairman Bordner stated that there is a work session on February 8th.

CITIZENS COMMENTS

Nancy Percival stated that she is collecting for Walk for Warmth.

MISCELLANEOUS

Commissioner Baker stated that the U.S. 131 Committee met yesterday and they are working on their requests for the MDOT budget for 2010.

Commissioner Pueschel stated that the Land Use Preservation Committee needs direction.

Chairman Bordner stated that the Land Use Preservation Ordinance is now in the hands of the County Commission.

Commissioner Dobberteen thanked the Commissioners for the gift that he received.

Commissioner Shafer stated that he learned last month at the Commission on Aging Meeting that Lillian Carter had fallen but is going to be okay.

ADJOURNMENT

It was moved by Commissioner Dobberteen and supported by Commissioner Shafer that the St. Joseph County Board of Commissioners adjourn until February 15, 2005 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

Monte Bordner, Chairman