

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 2, 2010, at 5:00 p.m.

Chairman Michael Dunlap called the meeting to order.

The Invocation was given by Commissioner Shaffer.

The Pledge to the American Flag was given.

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

Rick Shaffer	Gerald E. Loudenslager
Michael D. Dunlap	Robin Baker
Jerry Ware	David J. Pueschel

Absent: John L. Dobberteen

Also present were Judy West-Wing, Administrator/Controller, Dan Carey, Finance Director and Elishia Arver, Human Resource Director.

AGENDA

Ms. West-Wing stated that a request for out-of-state travel for the Parks and Recreation Director should be added under new business.

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

MINUTES APPROVED

It was moved by Commissioner Pueschel and supported by Commissioner Shaffer that the minutes for January 19, 2010 be approved. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, January 22 and January 29, 2010.
2. Letter from the Michigan Association of Counties, Re: Thank you for resolution regarding State Mandated Services.
3. Copy of letter to U.S. Department of Justice from Tim Carls, Re: County roads.
4. Letter from Mottville Township, Re: Notice of public hearing on March 11, 2010 to consider an Industrial Facilities Exemption Certificate to Universal Forest Products.
5. Resolutions from the Counties of Allegan, Berrien, Cheboygan, Isabella, Lake and Oceana, Re: State Mandated Services.
6. Resolution from Cheboygan County, Re: Urging Implementation of the State Substance Abuse Treatment and Prevention Allocation Formula.
7. Resolution from Van Buren County, Re: Support of U.S. Route 31 as a heritage route.
8. Resolution from Barry County, Re: Objecting to GEMS Election Management System license renewal fees.
9. Resolution from Charlevoix County, Re: GEMS Election Management System.
10. Resolution from Hillsdale County, Re: Michindoh Aquifer application.
11. Minutes of the Southwest Michigan Substance Abuse Advisory Council Board meeting of January 11, 2010.
12. Minutes of the Community Mental Health Services Board meeting of December 29, 2009.
13. Minutes of the Department of Human Services Board meeting of December 22, 2009.

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

CITIZENS' COMMENTS

Many folks spoke in opposition to the Bustorf Dairy Farm CAFO that is being constructed in Leonidas Township and when in full operation would have approximately 2,600 cows. Those people included Eric VerHey, President of the Society Protecting Environmental Assets; Jason Patnoudé; Russell Hyde; Jack Comstock; Tracy Patnoudé; Bob Robinson; Pat Jurius; and Gisela VerHey.

Comments included the concern that the manure will get into the waterways that are nearby which will have an affect on Rawson's Kings Mill Park; the Michigan Heritage Trail and the Mendon River Fest. Another comment was that one of the spokesmen stated that he moved back to the area in which he grew up to raise his family in the country as he was raised and now he is too close to the proposed CAFO and it will be unsafe for his children because of the semi trucks that will be traveling their road as well as other environmental issues. It was stated that Bustorf is part of the Vreba Hoff Dairy Development LLC and they have numerous lawsuits filed against them regarding a myriad of violations. Another concern mentioned was that the contractor hired to do the excavation for the farm stated that he does this for a living and this is not a suitable area for a CAFO. Most expressed environmental concerns by having this operation so near to waterways.

Peter van der Vegt of Ohio who represents the Vreba-Hoff Dairy Development stated that the land was suitable for lagoons if a liner is used and noted that the DEQ has approved Bustorf's permit. He further stated that the dairy is owned by Mr. Bustorf and not Vreba-Hoff Dairy, LLC and he will be creating 25 jobs directly and 100 jobs indirectly boosting economic development to the area.

Bernie Eash also spoke in favor of the operation stating that smaller farms are no longer sufficient to support a family and larger farms are becoming the norm.

Eric VerHey added that he would like the Board of Commissioners to take a stand opposing the resolution knowing that it would have no legal ramifications.

Juergen Bustorf, owner of Bustorf Dairy Farms invited the Commissioners to his property to look at his plans.

Another opposing comment by Gisela VerHey stated that she is concerned with the natural resources and believes that this CAFO is not a suitable place to operate because of the topography. She totally supports agriculture but believes that this will not be a farm but a factory and she has not heard of any economic and social advantages that would come from this CAFO. She believes that it is not good for the security of the country for big farms to overtake little ones.

SUPPORT FOR MSHDA GRANT

Doug Lockwood, who is on the Housing Task Force was present with Kelli Tackett, Executive Director of the Keystone Place, requesting support of a MSHDA Grant in the amount of \$15,300.

It was moved by Commissioner Loudenslager and supported by Commissioner Pueschel that the Board support the MSHDA Grant application.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware and Pueschel.

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

TELEPHONE SYSTEM PROPOSAL

Ms. West-Wing is recommending approval of the Telephone System Proposal with Information Systems Intelligences, LLD (ISI) in the amount of \$207,429.29. She stated that this is a voice over IP system (VOIP). Research began in 2007; in July of 2008 a consultant was hired to study the current 3 stand alone systems to see if we should stay with what we have or look at a new system; and in March of 2009 the Board agreed to have the consultant develop an RFP, bid out the project and oversee the project once a vendor was selected. The consultant is recommending ISI.

Ms. West-Wing stated that there is \$200,000 budgeted for the system for the Courthouse, Courts Building and the Sheriff's Department with \$50,000 budgeted for Central Dispatch which will be paid for from their funds. Even though there have been many hours of research done already, there will likely be some other items that may come up therefore there is a contingency fund already budgeted.

In response to a question from Commissioner Shaffer, Ms. West-Wing stated that the project will hopefully be completed within 6 months. They will start with the kickoff meeting to develop the time frames and time lines and they plan no major interruptions as the actual cutover will be phased in over a few hours, therefore any loss in telephone service should be minimal. Testing will also be done before the cutover.

It was moved by Commissioner Loudenslager and supported by Commissioner Baker that the Telephone System Proposal be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware and Pueschel.

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

2009 AUDIT ENGAGEMENT AGREEMENT WITH REHMANN ROBSON

Ms. West-Wing stated that we are in the 2nd year of a 5 year agreement with Auditors Rehmann Robson and we need to approve the engagement agreement for the 2009 audit.

It was moved by Commissioner Loudenslager and supported by Commissioner Baker that the 2009 Audit Engagement Agreement with Rehmann Robson be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware and Pueschel.

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

MEMORANDUM OF AGREEMENT WITH MSU EXTENSION FOR LAND USE EDUCATOR POSITION

Ms. West-Wing presented the customary agreement that is used when partnering with MSUE for any position. This identifies the terms and conditions of the Land Use Educator Position.

It was moved by Commissioner Pueschel and supported by Commissioner Shaffer that the memorandum of Agreement with MSU Extension for the Land Use Educator Position be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware and Pueschel.

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

EMPLOYMENT AGREEMENT WITH EUGENE ALLI

Ms. West-Wing is recommending approval of an employment agreement with Eugene Alli, Homeland Security Regional Planner. Mr. Alli has worked here for many years as an Independent Contractor and we have been advised that he should be an hourly employee with no benefits except mandatory ones, i.e. FICA, workers compensation. His wages are paid for through a Homeland Security Grant.

It was moved by Commissioner Loudenslager and supported by Commissioner Baker that the Employment Agreement with Eugene Alli be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware and Pueschel.

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

EMPLOYMENT AGREEMENT WITH LORI MILLIMAN

Ms. West-Wing recommended a renewal of an employment agreement with Lori Milliman who is the Juvenile Day Treatment (JDT) Supervisor. She will be continuing with her current rate of pay and benefits. The contract is from August 1, 2009 through December 31, 2010.

It was moved by Commissioner Shaffer and supported by Commissioner Pueschel that the Employment Agreement with Lori Milliman be approved.

The aye and nay vote was called as follows:

Aye votes cast: 6 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware and Pueschel.

Nay votes cast: 0

Absent: 1 - Commissioner Dobberteen.

Motion carried.

OUT-OF-STATE TRAVEL

Ms. West-Wing stated that John Pence, Parks and Recreation Director is requesting out-of-state travel to take a Parks and Recreation vehicle to Angola, Indiana each day from February 15th through the 18th. This is to maintain his certification.

After discussion it was moved by Commissioner Loudenslager and supported by Commissioner Ware that the out-of-state travel be approved for John Pence to attend the Great Lakes Park Training Institute from February 15 through 18, 2010. Motion carried.

COMMITTEE REPORTS

Law Enforcement

Commissioner Loudenslager stated that the Law Enforcement Committee will be meeting on February 11th at 8:30 a.m. at the Sheriff's Department.

Judiciary

Commissioner Loudenslager stated that the Judiciary Committee had not met.

Physical Resources

Commissioner Ware stated that the Physical Resources Committee had not met but should soon.

Executive Committee

Commissioner Shaffer stated that the Executive Committee met on January 29, 2010, everyone has a copy of the minutes and he would answer any questions that anyone may have.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

NEW HIRE:

Jamie Lego has been hired as part-time Transport Officer at \$13.41/hr. effective January 26, 2010.

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

REQUISITION

Ms. West-Wing presented the following report:

One Fellowes Powershred C-220C Cross cut shredder for Sheriff's Department	\$ 455.00
Annual subscription to Sturgis Journal and Three Rivers Commercial for Drain Commissioner	\$ 223.50

It was moved by Commissioner Loudenslager and supported by Commissioner Shaffer that the requisitions be approved. Motion carried.

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

BUDGET AMENDMENTS:

<u>DECREASE HOMELAND SECURITY FUND #268:</u>	
Line item 268-426-816.000 (Contractual Services)	\$ 41,827.00
<u>INCREASE HOMELAND SECURITY FUND #268:</u>	
Line item 268-426-706.100 (Wages - Assistant)	\$ 38,368.00
Line item 268-426-715.000 (FICA)	2,936.00
Line item 268-426-716.100 (Worker's Compensation)	<u>523.00</u>
	\$ 41,827.00
 <u>DECREASE INMATE STORE FUND #546:</u>	
Line item 546-301-759.000 (Prisoner Supplies)	\$ 455.00
<u>INCREASE INMATE STORE FUND #546:</u>	
Line item 546-301-977.000 (Equipment)	\$ 455.00

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

BILLS

Mr. Carey presented the following report:

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Due from State	\$ 3,011.06	\$
Prepaid Insurance	97,320.00	
Appropriations	164,514.25	

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Commission	\$ 13,001.43	\$ 4,173.54
Circuit Court	8,065.00	13,447.76
District Court	265.00	62,080.54
Friend of the Court	409.14	40,936.80
Probate Court	1,039.46	18,440.66
Juvenile Branch	18,099.71	39,286.04
Appeals Court	769.74	
Public Defender	460,000.00	
Administration		9,749.30
Finance Department	1,066.02	20,409.89
County Clerk	7,847.50	22,861.44
Equalization Department	4,917.39	16,261.47
Human Resources	7,097.53	7,863.28
Geographic Information Systems		7,179.75
Prosecutor's Office	5,533.39	35,411.66
Central Services	4,275.49	14,503.22
Register of Deeds		12,473.44
County Treasurer	150.00	15,141.92
Cooperative Extension	34,701.21	8,809.59
Information Technology	5,935.71	12,185.81
Buildings & Grounds	12,229.90	21,060.67
Courts Building Security	1,007.00	5,239.84
Drain Commission	1,256.12	3,556.22
Sheriff Department	15,962.20	114,119.50
Sheriff Reserves	1,745.50	40.91
Jail & Turnkey	16,613.80	130,258.70
Planning Commission	877.00	
Emergency Services	59.22	18,250.09
Animal Control	663.82	8,515.07
Board of Public Works	117.50	707.09
Medical Examiners	3,711.85	
Child Care - Probate	3,014.51	
Veterans' Services	7,314.28	1,671.95
Utilities & General Services	5,656.24	
Total	\$ 908,247.97	\$ 664,636.15

<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Road Commission	\$ 414,980.28	\$
Parks & Recreation	1,110.38	7,140.28
Emergency 911 Service	57,182.87	68,102.13
Central Dispatch - Wireless	403.59	4,302.72
Meyer Broadway/Coon Hollow Park	176.82	2,240.22
Family Counseling	1,636.50	
Cade Lake Park	303.28	
Traffic Safety Program Fund	439.50	
Economic Development Fund	375.96	7,878.68
Victims' Rights Advocate Fund		3,325.44
Community Corrections Advisory Board	6,286.67	2,987.21
Community Corrections Program	2,808.00	
Local Corrections Officers' Training Fund	13,200.00	
Drug Law Enforcement Fund	3,186.41	

<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Law Enforcement Fund	\$	\$ 19,568.33
Secondary Road Patrol		13,380.05
Homeland Security Grant Fund	4,306.18	
Law Library Fund	400.00	
Principal Residence Denial Fund		707.08
Commission on Aging	68,480.87	54,580.74
Community Development Block Grant	47,326.00	
Child Care: Probate Court	23,717.30	9,330.50
Facilities Maintenance Fund	7,501.00	
Tax Payment Fund	31,836.13	
Inmate Store	4,112.29	
Three Rivers Community Center	3,529.20	971.28
Flexible Benefits Insurance Fund	209,949.83	
Total	\$ 903,249.06	\$ 194,514.66
 Grand Total	 \$ 1,811,497.03	 \$ 859,150.81
 General Fund Operating Expenditures		
Pre-Authorized	\$809,499.31	
Accounts Payable	<u>98,748.66</u>	
	\$ 908,247.97	
 General Fund Payroll Expenditures	 \$ 664,636.15	
 Other Funds Operating Expenditures		
Pre-authorized	\$867,586.85	
Accounts Payable	<u>35,662.21</u>	
	\$ 903,249.06	
 Other Funds Payroll Expenditures	 \$ <u>194,514.66</u>	
Total Recorded for the Month	\$ 2,670,647.84	

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

CHAIRMAN'S REPORT

Chairman Dunlap thanked everyone for coming to the meeting tonight. He encourages everyone to get involved in local government.

CITIZENS' COMMENTS

Tim Carls, 63044 Klinger Lake Road, Centreville asked if the County Planning Commission was consulted before the Parks and Recreation passed a resolution opposing the Bustorf CAFO to see if it fit into the County (Master) Plan.

Eric VerHey stated that the notice giving 60 days for anyone to protest the CAFO in Leonidas Township was only sent to Thomas Hughes, who was then Township Supervisor and he was in the hospital at the time. When others found out about the hearing it was too late and the DEQ authorized the permit. He realized that a resolution passed by the Board has no affect on this CAFO, but it is a statement and sets a tone. He also stated that this CAFO has no significant net social and economic benefit to the community and these factors cannot be found in other CAFOs in the area either.

Russell Hyde stated that it is up to the County Commission to vote on this. He would respect them more if they make a decision one way or the other.

MISCELLANEOUS

Commissioner Loudenslager would like a resolution passed in opposition to the CAFO as he does not want to see a Vreba-Hoff type operation here in this County. He hopes that the resolution will be on the agenda with the name "Bustorf" changed to "Vreba-Hoff" opposing their type of operation.

Commissioner Pueschel stated that he did not want a resolution as it is not our purpose or our job and he is against a resolution being proposed in opposition to the CAFO.

ADJOURNMENT

It was moved by Commissioner Shaffer and supported by Commissioner Loudenslager that the St. Joseph County Board of Commissioners adjourn until February 16, 2010 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

Michael D. Dunlap, Chairman