

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 March 18, 2008, at 5:00 p.m.

Chairman Robin Baker 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
Michael D. Dunlap	Robin Baker
David J. Pueschel	

Absent: Monte Bordner and John L. Dobberteen

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

AGENDA

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

MINUTES APPROVED

It was moved by Commissioner Loudenslager and supported by Commissioner Shafer that the minutes for March 4, 2008 be approved. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Update, March 14, 2008.
2. Letter from Lou Ella Hamilton, Re: Resignation from Commission on Aging Board and Website Committee.

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

APPRAISAL FOR 40 ACRE PANT PROPERTY NEAR CADE LAKE

The Parks and Recreation Commission is requesting that an appraisal be done on a 40 acre parcel of land owned by the Pants near Cade Lake for a cost of \$2,100.00. It is necessary to submit the appraisal with the grant application.

It was moved by Commissioner Shafer and supported by Commissioner Dunlap that an appraisal be done on the Pant property near Cade Lake in the amount of \$2,100.00.

The aye and nay vote was called as follows:

Aye votes cast: 5 – Commissioners Shafer, Loudenslager, Dunlap, Baker and Pueschel.

Nay votes cast: 0

Absent: 2 – Commissioners Bordner and Dobberteen.

Motion carried.

REQUEST TO FILL VACANT MAINTENANCE WORKER POSITION

It was moved by Commissioner Loudenslager and supported by Commissioner Pueschel that the vacant maintenance worker position be filled. Motion carried.

RENEWAL OF LEASE AGREEMENT WITH ECONOMIC DEVELOPMENT CORPORATION

Ms. West-Wing recommended approval of a renewal of a lease agreement with the EDC for rental of office space at Annex II. It consists of 200 square feet of office space for 1 year from April 1, 2008 through March 31, 2009 for \$1,911.80.

The aye and nay vote was called as follows:

Aye votes cast: 5 – Commissioners Shafer, Loudenslager, Dunlap, Baker and Pueschel.

Nay votes cast: 0

Absent: 2 – Commissioners Bordner and Dobberteen.

Motion carried.

AGREEMENT WITH MAXIMUS, INC. FOR THE FEDERAL STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) GRANT

Ms. West-Wing recommended approval of an Agreement with Maximus, Inc., for the SCAAP Grant. This grant is to receive federal reimbursement for housing aliens in the Jail. Maximus completes the paperwork to recoup these funds. Maximus receives 15% of the money reimbursed to St. Joseph County. In 2007, \$10,910 was reimbursed and Maximus received approximately \$1,600.00.

It was moved by Commissioner Loudenslager and supported by Commissioner Pueschel that the Agreement with Maximus be approved.

The aye and nay vote was called as follows:

Aye votes cast: 5 – Commissioners Shafer, Loudenslager, Dunlap, Baker and Pueschel.

Nay votes cast: 0

Absent: 2 – Commissioners Bordner and Dobberteen.

Motion carried.

REFUND OF WHITE PIGEON TOWNSHIP SPECIAL ASSESSMENT FOR KLINGER LAKE

Ms. West-Wing explained that a few years ago White Pigeon Township was part of the special assessment district at Klinger Lake and they paid \$2,627.70 as their share of the assessment.

Since that time the Board of Commissioners have gone on record eliminating all units of government from any special assessment districts unless they actually own property within the district.

It was moved by Commissioner Shafer and supported by Commissioner Pueschel that \$2,627.70 be refunded to White Pigeon Township from the general fund for the payment that they made to the Klinger Lake Special Assessment District.

The aye and nay vote was called as follows:

Aye votes cast: 5 – Commissioners Shafer, Loudenslager, Dunlap, Baker and Pueschel.

Nay votes cast: 0

Absent: 2 – Commissioners Bordner and Dobberteen.

Motion carried.

BEAVER LAKE - LAKE LEVEL SPECIAL ASSESSMENT DISTRICT

Ms. West-Wing stated that in 1982 a legal lake level was established for Beaver Lake in the St. Joseph County Circuit Court. There was never a special assessment district established for Beaver Lake. According to direction from the Board of Commissioners, the Drain Commissioner is proceeding with the establishment of special assessments on all lakes where the legal lake level has been established.

RESOLUTION NO. 6-2008

BEAVER LAKE
LAKE LEVEL RESOLUTION
PURSUANT TO MCL 324.30701 *et seq*

WHEREAS, the lake level for Beaver Lake was established under the Inland Lake Level Act, formerly Act 146 of the Public Acts of 1961 on October 15, 1982, at 854.0 feet above mean sea level; and

WHEREAS, the St. Joseph County Circuit Court record for the proceedings setting the lake level, File No. 79-646 has been reviewed, with no record that a special assessment district was established; and

WHEREAS, the St. Joseph County Drain Commissioner is the delegated authority for St. Joseph County for the maintenance of the established lake level for Beaver Lake; and

WHEREAS, the St. Joseph County Board of Commissioners deems it expedient to have a special assessment district established pursuant to Part 307 of the Natural Resources and Environmental Protection Act, Act 451, Public Acts of Michigan, 1994, as amended (“Part 307”).

NOW, THEREFORE BE IT RESOLVED:

1. The Board directs the St. Joseph County Drain Commissioner, as delegated authority, to determine the tentative special assessment district boundaries for Beaver Lake, including therein all parcels of land and political subdivisions and each parcel of land owned by the Department of Natural Resources which are benefited by the established lake level.
2. Financing of all future maintenance and improvements related to the established lake level for Beaver Lake shall be borne by assessing the Beaver Lake Special Assessment District (the “Special Assessment District”).
3. The Board authorizes the Drain Commissioner to retain and direct the law firm of Hubbard, Fox, Thomas, White & Bengtson, P.C., to institute proceedings in St. Joseph County Circuit Court to establish and confirm special assessment district boundaries for the established lake level of Beaver Lake, and all costs to do so shall be borne by the Special Assessment District.
4. The Board of Commissioners does hereby determine that the whole cost of the project to establish and confirm special assessment district boundaries for the established lake level of Beaver Lake, and to improve and maintain the established lake level for Beaver Lake shall be defrayed by special assessments against privately owned parcels of land, State owned lands that are under the jurisdiction and control of the Michigan Department of Natural Resources, and political subdivisions of the State that are benefited by the project in accordance with procedures set forth in Part 307.
5. The project to establish and confirm special assessment district boundaries for the established lake level of Beaver Lake and to improve and maintain the established lake level for Beaver Lake and may be financed by the issuance of notes by the Special Assessment District (the “Notes”) in anticipation of the special assessments described in paragraph 4 above and the St. Joseph County Drain Commissioner, as delegated authority, is authorized to take such steps as are necessary to enable the note to be issued in accordance with Part 307 and other applicable law, in a principal amount not to exceed \$100,000.00, and the St. Joseph County Drain Commissioner, as delegated

authority, is authorized to take such steps as are necessary to enable the Notes to be issued in accordance with Act 34 and other applicable law.

6. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded.

It was moved by Commissioner Shafer and supported by Commissioner Loudenslager that the resolution be adopted and second reading waived.

The aye and nay vote was called as follows:

Aye votes cast: 5 – Commissioners Shafer, Loudenslager, Dunlap, Baker and Pueschel.

Nay votes cast: 0

Absent: 2 – Commissioners Bordner and Dobberteen.

Resolution adopted.

COREY LAKE - LAKE LEVEL SPECIAL ASSESSMENT DISTRICT

Ms. West-Wing stated that the legal lake level for Corey Lake was established in 1974.

RESOLUTION NO. 7-2008

COREY LAKE
LAKE LEVEL RESOLUTION
PURSUANT TO MCL 324.30701 *et seq*

WHEREAS, the lake level for Corey Lake was established under the Inland Lake Level Act, formerly Act 146 of the Public Acts of 1961 on August 5, 1974, at 874.0 feet above mean sea level; and

WHEREAS, the St. Joseph County Circuit Court record for the proceedings setting the lake level, File No. 119-72, has been reviewed, with no record that a special assessment district was established; and

WHEREAS, the St. Joseph County Drain Commissioner is the delegated authority for St. Joseph County for the maintenance of the established lake level for Corey Lake; and

WHEREAS, the St. Joseph County Board of Commissioners deems it expedient to have a special assessment district established pursuant to Part 307 of the Natural Resources and Environmental Protection Act, Act 451, Public Acts of Michigan, 1994, as amended (“Part 307”).

NOW, THEREFORE BE IT RESOLVED:

1. The Board directs the St. Joseph County Drain Commissioner, as delegated authority, to determine the tentative special assessment district boundaries for Corey Lake, including therein all parcels of land and political subdivisions and each parcel of land owned by the Department of Natural Resources which are benefited by the established lake level.
2. Financing of all future maintenance and improvements related to the established lake level for Corey Lake shall be borne by assessing the Corey Lake Special Assessment District (the “Special Assessment District”).
3. The Board authorizes the Drain Commissioner to retain and direct the law firm of Hubbard, Fox, Thomas, White & Bengtson, P.C., to institute proceedings in St. Joseph County Circuit Court to establish and confirm special assessment district boundaries for the established lake level of Corey Lake, and all costs to do so shall be borne by the Special Assessment District.
4. The Board of Commissioners does hereby determine that the whole cost of the project to establish and confirm special assessment district boundaries for the established lake level of Corey Lake, and to improve and maintain the established lake level for Corey Lake shall be defrayed by special assessments against privately owned parcels of land, State owned lands that are under the jurisdiction

and control of the Michigan Department of Natural Resources, and political subdivisions of the State that are benefited by the project in accordance with procedures set forth in Part 307.

5. The project to establish and confirm special assessment district boundaries for the established lake level of Corey Lake and to improve and maintain the established lake level for Corey Lake may be financed by the issuance of notes by the Special Assessment District (the "Notes") in anticipation of the special assessments described in paragraph 4 above and the St. Joseph County Drain Commissioner, as delegated authority, is authorized to take such steps as are necessary to enable the note to be issued in accordance with Part 307 and other applicable law, in a principal amount not to exceed \$100,000.00, and the St. Joseph County Drain Commissioner, as delegated authority, is authorized to take such steps as are necessary to enable the Notes to be issued in accordance with Act 34 and other applicable law.
6. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded.

It was moved by Commissioner Shafer and supported by Commissioner Loudenslager that the resolution be adopted and second reading waived.

The aye and nay vote was called as follows:

Aye votes cast: 5 – Commissioners Shafer, Loudenslager, Dunlap, Baker and Pueschel.

Nay votes cast: 0

Absent: 2 – Commissioners Bordner and Dobberteen.

Resolution adopted.

KAISER LAKE - LAKE LEVEL SPECIAL ASSESSMENT DISTRICT

Ms. West-Wing stated that the legal lake level for Kaiser Lake was established in 1953.

RESOLUTION NO. 8-2008

KAISER LAKE
LAKE LEVEL RESOLUTION
PURSUANT TO MCL 324.30701 *et seq*

WHEREAS, lake level for Kaiser Lake was established under the Inland Lake Level Act, formerly Act 146 of the Public Acts of 1961 on September 18, 1953 at 874.5 feet above mean sea level; and

WHEREAS, the St. Joseph County Circuit Court record for the proceedings setting the lake level, File No. 4610, has been reviewed, with no record that a special assessment district was established; and

WHEREAS, the St. Joseph County Drain Commissioner is the delegated authority for St. Joseph County for the maintenance of the established lake level for Kaiser Lake; and

WHEREAS, the St. Joseph County Board of Commissioners deems it expedient to have a special assessment district established pursuant to Part 307 of the Natural Resources and Environmental Protection Act, Act 451, Public Acts of Michigan, 1994, as amended ("Part 307").

NOW, THEREFORE BE IT RESOLVED:

1. The Board directs the St. Joseph County Drain Commissioner, as delegated authority, to determine the tentative special assessment district boundaries for Kaiser Lake, including therein all parcels of land and political subdivisions and each parcel of land owned by the Department of Natural Resources which are benefited by the established lake level.
2. Financing of all future maintenance and improvements related to the established lake level for Kaiser Lake shall be borne by assessing the Kaiser Lake Special Assessment District (the "Special Assessment District").

3. The Board authorizes the Drain Commissioner to retain and direct the law firm of Hubbard, Fox, Thomas, White & Bengtson, P.C., to institute proceedings in St. Joseph County Circuit Court to establish and confirm special assessment district boundaries for the established lake level of Kaiser Lake, and all costs to do so shall be borne by the Special Assessment District.
4. The Board of Commissioners does hereby determine that the whole cost of the project to establish and confirm special assessment district boundaries for the established lake level of Kaiser Lake, and to improve and maintain the established lake level for Kaiser Lake shall be defrayed by special assessments against privately owned parcels of land, State owned lands that are under the jurisdiction and control of the Michigan Department of Natural Resources, and political subdivisions of the State that are benefited by the project in accordance with procedures set forth in Part 307.
5. The project to establish and confirm special assessment district boundaries for the established lake level of Kaiser Lake and to improve and maintain the established lake level for Kaiser Lake may be financed by the issuance of notes by the Special Assessment District (the "Notes") in anticipation of the special assessments described in paragraph 4 above and the St. Joseph County Drain Commissioner, as delegated authority, is authorized to take such steps as are necessary to enable the note to be issued in accordance with Part 307 and other applicable law, in a principal amount not to exceed \$100,000.00, and the St. Joseph County Drain Commissioner, as delegated authority, is authorized to take such steps as are necessary to enable the Notes to be issued in accordance with Act 34 and other applicable law.
6. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded.

It was moved by Commissioner Shafer and supported by Commissioner Loudenslager that the resolution be adopted and second reading waived.

The aye and nay vote was called as follows:

Aye votes cast: 5 – Commissioners Shafer, Loudenslager, Dunlap, Baker and Pueschel.

Nay votes cast: 0

Absent: 2 – Commissioners Bordner and Dobberteen.

Resolution adopted.

NOMINATIONS/APPOINTMENTS

Veterans' Affairs Board

It was moved by Commissioner Dunlap and supported by Commissioner Pueschel that Lawrence Fitch be nominated and appointed to the Veterans' Affairs Board to fill a vacancy, term to expire March 1, 2009. Motion carried.

Community Mental Health

It was moved by Commissioner Pueschel and supported by Commissioner Shafer that Alice Happel, Barbara Parker, Greg Hackman and Gwen Donmyer be nominated and appointed to the Community Health Board for 3 year terms expiring March 31, 2011. Motion carried.

COMMITTEE REPORTS

Law Enforcement

Commissioner Loudenslager stated that there was no report.

Judiciary

Commissioner Loudenslager stated that there was no report.

Physical Resources

Commissioner Shafer stated that the committee had not met and probably would not until the engineers have a report on their study of the HVAC in the Courts Building.

Executive Committee

Commissioner Pueschel stated that everyone had received a copy of the minutes of the Executive Committee Meeting held on March 14th and he would answer any questions that anyone may have.

Resignations

Commissioner Shafer brought to everyone's attention the resignation of LouElla Hamilton from the Commission on Aging and from the Website Committee and suggested that she did not need to be replaced on the Website Committee.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

RESIGNATIONS/DISMISSAL:

Ronald Coleman, Maintenance Worker, has resigned effective March 24, 2008.

Kristina R. Cales, Nutrition Bulk Route Driver, has been dismissed effective March 4, 2008.

Norma Logan has resigned as part-time Nutrition Assistant Cook effective March 10, 2008. Norma Logan will continue to work part-time as the Sturgis Senior Center Manager at 20 hours/week.

Zachary Hagen, CTE Intern, has resigned effective March 14, 2008.

NEW HIRE:

Patricia A. Shatto has been hired as part-time In-Home Services Aide at \$9.66/hr. (COA grade 5, minimum) effective March 6, 2008.

Terry Koehl has been hired as part-time Transport Officer at \$13.15/hr. and part-time Court Security at \$12.69/hr. effective March 18, 2008.

MISCELLANEOUS:

Dru Carney, Road Patrol Officer, will be on Military Leave commencing March 17, 2008.

Norah Willard, COA Receptionist, will be on medical leave commencing March 5, 2008 under the Family and Medical Leave Act of 1993.

Betty Persons change from Nutrition Substitute to part-time Activities Senior Center Coordinator at \$9.66/hr. effective March 7, 2008.

Christina Wells change from Nutrition Home Delivery Driver to part-time Nutrition Bulk Route Driver at \$9.05/hr. effective March 7, 2008.

Donna McNees change from Nutrition Substitute to part-time Nutrition Home Delivery Driver at \$8.66/hr. effective March 7, 2008.

Tabitha Wedge, District Court Administrator, will be on medical leave commencing April 15, 2008 under the Family and Medical Leave Act of 1993.

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

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

BUDGET AMENDMENTS:

DECREASE GENERAL FUND #101:

Line item 101-890-941.000 (Contingency) \$ 2,628.00

INCREASE:

Line item 101-101-963.300 (Refund Special Assessment) \$ 2,628.00

INCREASE REVENUES HOMELAND SECURITY GRANT FUND:

Line item 268-426-506.098 (2007 Homeland Security Grant) \$75,540.00

INCREASE EXPENDITURES:

Line item 268-426-816.000 (Contractual Services) \$64,540.00

Line item 268-426-861.000 (Conferences) 6,000.00

Line item 268-426-862.030 (Training – 07 Training Grant) 5,000.00

\$75,540.00

FROM APPROPRIATION:

\$30,000.00 from Probate Child Care Appropriation to Probate Child Care Fund.

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

FINANCE DIRECTOR’S REPORT

Mr. Carey presented the following reports:

Per Diem

Robin Baker – 9 half days 2/20, 2/25, 2/28 x 2, 2/29, 3/3, 3/7, 3/13, 3/14 & 3 full days 3/5, 3/6 & 3/12/08	\$ 735.00
Monte Bordner – 9 half days 2/22, 2/26 x 2, 2/28, 3/3, 3/6, 3/11 x 2, 3/14 & 5 full days 2/25, 2/29, 3/3, 3/5 & 3/7/08	925.00
John Dobberteen – 8 half days 2/20, 2/22, 2/25, 2/29, 3/6, 3/11, 3/12 & 3/14/08 & 4 full days 3/5, 3/6, 3/12 & 3/13/08	780.00
Michael Dunlap – 6 half days 2/28 x 2, 3/3, 3/5, 3/7 & 3/11/08	300.00
Gerald Loudenslager – 8 half days 2/20, 2/25, 2/26, 2/29, 3/3, 3/11, 3/12, 3/13/08 & 3 full days 2/20, 2/21 & 3/5/08	685.00
David Pueschel – 7 half days 2/22, 2/28, 2/29, 3/3, 3/5 & 3/14/08 x 2	350.00
Eric Shafer – 11 half days 2/20 x 2, 2/22, 2/26, 2/27, 2/28, 3/3, 3/5 x 2, 3/6 & 3/11/08 & 1 full day 3/14/08	<u>645.00</u>
	\$4,420.00

Expenses

Robin Baker	\$ 192.41
Monte Bordner	415.01
John Dobberteen	137.87
Michael Dunlap	74.74
Gerald Loudenslager	196.45
David Pueschel	<u>90.40</u>
	\$1,106.88

It was moved by Commissioner Dunlap and supported by Commissioner Loudenslager that the per diem and expenses be approved. Motion carried.

Financial Statements

	Revenues	Expenditures
February	\$ 1,125,012	\$ 1,036,138
Year to Date	2,260,248	2,339,666

Period Fund Balance \$88,874.00
Year to Date (\$79,418.00)

Percent of budget year elapsed year to date. 16.67%
Percent of total budgeted funds earned year to date 15.49%
Percent of total budgeted funds expended year to date 16.37%

It was moved by Commissioner Dunlap and supported by Commissioner Shafer that the financial statements be accepted. Motion carried.

Independent Contractors' Agreement

Eugene Alli

Mr. Carey presented an Independent Contractor's Agreement with Eugene Alli for a Homeland Security Regional Planner for 3 years, not to exceed 80 hours every 2 weeks. From April 1, 2008 through December 31, 2008 the wage is \$23.05 per hour; in 2009 the wage is \$23.52; and from January 1, 2010 through March 31, 2010 the wage is \$23.99.

It was moved by Commissioner Loudenslager and supported by Commissioner Shafer that an Independent Contractor's Agreement with Eugene Alli be approved.

The aye and nay vote was called as follows:

Aye votes cast: 5 – Commissioners Shafer, Loudenslager, Dunlap, Baker and Pueschel.

Nay votes cast: 0

Absent: 2 – Commissioners Bordner and Dobberteen.

Motion carried.

Steven Barnell

Mr. Carey presented an Independent Contractor's Agreement with Steven Barnell for a Homeland Security Regional Planner for 3 years, not to exceed 60 hours every 2 weeks. From April 1, 2008 through December 31, 2008 the wage is \$23.05 per hour; in 2009 the wage is \$23.52; and from January 1, 2010 through March 31, 2010 the wage is \$23.99.

It was moved by Commissioner Loudenslager and supported by Commissioner Pueschel that an Independent Contractor's Agreement with Steven Barnell be approved.

The aye and nay vote was called as follows:

Aye votes cast: 5 – Commissioners Shafer, Loudenslager, Dunlap, Baker and Pueschel.

Nay votes cast: 0

Absent: 2 – Commissioners Bordner and Dobberteen.

Motion carried.

CHAIRMAN'S REPORT

Chairman Baker stated he and Commissioner Dobberteen had recently attended 4 days of FEMA Training under the Homeland Security Grant.

He stated that he would be attending a meeting on March 27th to discuss the 5 year plan as proposed by MDOT.

Chairman Baker requested that everyone review the proposed new board rules and additional committee assignments.

MEETING DATE CHANGE

Chairman Baker stated that at least 2 Commissioners will be attending a function relating to Community Mental Health in Detroit beginning on May 20th and requested that the Commissioners' Meeting be changed to the 19th.

It was moved by Commissioner Shafer and supported by Commissioner Pueschel that the scheduled May 20, 2008 meeting be changed to May 19, 2008. Motion carried.

ADJOURNMENT

It was moved by Commissioner Dunlap and supported by Commissioner Shafer that the St. Joseph County Board of Commissioners adjourn until April 1, 2008 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

Robin Baker, Chairman