

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 June 15, 2004, at 5:00 p.m.

Chairman John L. Dobberteen 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	John W. Bippus
Robin Baker	Monte Bordner
David J. Pueschel	John L. Dobberteen

Absent: Gerald E. Loudenslager

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

#### AGENDA

Ms. West-Wing stated that a resolution honoring Dennis DeVore should be added under Resolutions.

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

#### MINUTES APPROVED

It was moved by Commissioner Baker and supported by Commissioner Shafer that the minutes for June 1, 2004 be approved. Motion carried. Commissioner Bordner abstained due to absence.

#### CITIZENS' COMMENTS

Margaret Cook, Community Mental Health Employee, stated that she and Tom Kelly, another employee at CMH, prepared a statement in support of Kris Kirsch, recently suspended Director of CMH. She praised Mrs. Kirsch for her work at CMH and how she always has encouraged staff to work as a team. She listens, offers hope and encouragement and always has an open door. She also steps up in emergencies on weekends and evenings and works at the Kids' Clubhouse as well. She stated that she has never worked for anyone else that has as much dedication as Mrs. Kirsch and without her at the agency there is a huge void. She hopes that the issue can be resolved.

Gerri Finch-Smith, a CMH nurse, asked many questions about how the CMH Board suspended Mrs. Kirsch and if there was anything that the Board of Commissioners could do to resolve the issue.

Commissioner Dobberteen stated that the Board of Commissioners created the Community Mental Health as an Authority, therefore the Board of Commissioners has no responsibility over the Authority, they merely appoint the members to the Community Mental Health Board.

Ms. West-Wing stated that the CMH Board has separate legal standing from the Board of Commissioners.

Commissioner Bippus said to Mrs. Finch-Smith that we're all asking the same questions.

Louella Hamilton wanted to thank the Land Resource Centre for the good job that they do. She says that they are doing a good job on the address changes, they are kind and patient and she has always had speedy results.

Butch Lanphear, Fabius Township Supervisor, stated that the Township is struggling with the County's address ordinance. It has been a nightmare to their citizens and some road names have been what they are since the 1920s. They would like to go with their own address system. He is here in opposition to the County's ordinance.

Commissioner Shafer stated that he hopes that there can be a meeting of the minds between the various municipalities asking for a committee to be established to work out the various issues related to this ordinance.

Tim Carls stated that he received a letter from Senator Brown referring his questions regarding the placement of road signs to Bruce Jones, County Road Engineer. Mr. Carls said that the Road Commission has the final say on naming roads.

Mr. Carls also brought up the letter to the editor regarding the new equipment that was recently approved for the Register of Deeds by the Board of Commissioners which includes approval of a loan to the Register of Deeds to be paid back through the Technology Fund. He said that the Board of Commissioners jumped the gun on spending \$200,000.

Ms. West-Wing stated that there is nothing wrong with the loan with the Register of Deeds, it is perfectly lawful to advance funds to be paid back.

#### COLON VILLAGE ANNEXATION PUBLIC HEARING

Chairman Dobberteen stated that the public hearing is open on the Colon Village Annexation.

David Tomlinson, Colon Village Attorney, requested approval of the resolution approving the annexation of some property from Colon Township to Colon Village. He stated that both the Village and Township have a resolution approving the annexation. The property is contiguous to the Village.

Chairman Dobberteen declared that the public hearing was closed.

The following resolution was presented:

#### RESOLUTION NO. 18-2004

#### RESOLUTION AND ORDER CHANGING THE CORPORATE VILLAGE BOUNDARIES OF THE VILLAGE OF COLON, ST. JOSEPH COUNTY, MICHIGAN

WHEREAS, the Village of Colon has made and filed a Petition requesting a change of its corporate limits and boundaries by annexing and including the following premises owned by Ronald P. Horton and Kristie L. Horton:

#### Description of Premises:

Lot 29 EXC WLY 9 FT M/L WILLOW BEACH PLAT. SEC. 14 T6S R9W. Said parcel being known as Tax Parcel No. 75 002 230 001 00

WHEREAS, the described premises are adjacent and contiguous to the present corporate limits of the Village of Colon, and

WHEREAS, Notice of the Presentment and hearing on said Petition has been posted/published as required by law, and

WHEREAS, the St. Joseph County Board of Commissioners determined that the Petition and the procedure in which it was presented to be in proper order, and the Board is fully advised in the matter.

NOW, THEREFORE, BE IT RESOLVED, that after due deliberation and discussion, the St. Joseph County Board of Commissioners does hereby accept and approve the Petition of the Village of Colon and does hereby ORDER that the boundaries of the Village of Colon be altered and changed to include within the corporate limits and boundaries of the Village of Colon the premises described herein.

IT IS FURTHER ORDERED of the St. Joseph County Board of Commissioners that a copy of this Determination and Resolution be entered upon the records of said Board and that Certified Copies of this Resolution be transmitted to the Colon Village Clerk and to the Secretary of State of the State of Michigan as required by Statute.

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

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Resolution adopted.

#### COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, June 4, June 7 and June 11, 2004.
2. Letter from the City of Three Rivers, Re: Notice of public hearing on June 15 to consider an Industrial Facilities Exemption Certificate for Nichols Wood Flooring, Inc.
3. Letter from the City of Three Rivers, Re: Resolution of intent to participate in the creation and operation of a Brownfield Redevelopment Authority.
4. Resolution from Saginaw County, Re: Revenue sharing.
5. Resolution from Ingham County, Re: Preserving historic flags.
6. Resolution from Washtenaw County, Re: Proposed maximum contaminant level in drinking water.
7. Resolution from Washtenaw County, Re: Opposing Senate Bill 1081 and Senate Bill 1103 (Funding for transportation.)
8. Resolution from Washtenaw County, Re: Opposing Senate Bill 1147 and Michigan House Bill 5762.
9. Resolution from Newaygo County, Re: State revenue sharing.
10. Minutes of Community Action Agency Board meeting of May 17, 2004.

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

#### CADE LAKE

Ms. West-Wing stated that the Park and Recreation Commission is requesting \$10,600 in additional funding to expedite the Cade Lake County Park project. Dave Rachowicz, Parks and Recreation Director, stated that he had planned for County staff to take care of a lot of these issues. He believes that by contracting these items that the open date could be 2 weeks earlier.

It was moved by Commissioner Bordner and supported by Commissioner Shafer that \$10,600 be approved for additional expenses for Cade Lake County Park.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

#### AUDIT REPORT

Steve Kirinovic from the auditing firm of Abraham & Gaffney, P.C., reported on the County's audit for 2003. He said that everything went smoothly. He added that there are changes in the presentation and format this year. This is an unqualified clean audit. The County's total assets are \$18,359,313. He stated that the County is in good healthy financial condition.

Mr. Kirinovic thanked Dan Carey for all of his assistance.

It was moved by Commissioner Pueschel and supported by Commissioner Shafer that the Audit Report for 2003 be accepted.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

#### SINGLE FEDERAL COMPLIANCE AUDIT

Mr. Kirinovic presented the Single Federal Compliance Audit. There were no issues and the one that they had has now been resolved. There were no federal compliance issues.

It was moved by Commissioner Shafer and supported by Commissioner Baker that the Single Federal Compliance Audit be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

#### PROSECUTING ATTORNEY'S 2003 ANNUAL REPORT

Douglas Fisher, Prosecuting Attorney, presented the 2003 Annual Report. Mr. Fisher thanked the Board for their upgrade in technology. He also thanked Mike Stiles from WMSH for helping him decipher an audio tape from an inmate at the jail that led to his conviction.

Mr. Fisher stated that there were 323 convictions in Circuit Court up from 318 in 2002. He has been making a concerted effort to reduce these convictions and offer some misdemeanors to some defendants as the system is only designed to handle 200-250 per year. He stated that there are more good young police officers solving crimes.

He stated that there were 6 jury trials in District Court in 2003 up from 4 in 2002. There were 482 bench trials compared to 209 in 2002. His staff is stretched, but the technology helps. In addition there were 2,400 plus pretrials in 2003 in District Court which are very time consuming.

Mr. Fisher commented that in Probate Court he stands back and lets his Chief Assistant, Chuck Herman, handle the caseload. He is dedicated to kids and the kids appreciate him.

There was just 1 case reviewed by the Appellate Court in 2003.

The paternity referrals are way down because a lot of the staff at the Family Independence Agency have retired and they have not been replaced and the cases are still there.

Mr. Fisher stated that he takes personal pride in the Community Corrections Program. It is one of the most successful in the State. The Twin County Probation Center (TCPC) is looked at as a model throughout the State. Responding to a question, Mr. Fisher stated that the Day Reporting Center which is part of the TCPC is fantastic. In response to another question, Mr. Fisher stated that they do not use the tether program as a bond condition. They use sanctions as an alternative. He is working hard to reduce felony convictions so that jail space can be rented to others.

It was moved by Commissioner Bordner and supported by Commissioner Pueschel that the 2003 Annual Report of the Prosecuting Attorney be accepted. Motion carried.

U.S. 12 HERITAGE ROUTE PROJECT UPDATE

Tom Donaldson stated that 3 years ago he and Joan Yerrick were put on the Council for the U.S. 12 Heritage Route. On June 9th Governor Jennifer Granholm designated U.S. 12 a Heritage Trail. Mr. Donaldson stated that it will attract more visitors to the County, provide for economic development for future generations and also provides the availability to apply for economic development grants.

He thanked the Board of Commissioners for their support and he also thanked Sally Carpenter from MSUE who facilitated the meetings.

Commissioner Bordner thanked Mr. Donaldson and Ms. Yerrick for serving on the council.

RENEWAL OF LAW ENFORCEMENT SERVICES CONTRACT WITH FABIUS TOWNSHIP

Ms. West-Wing stated that Fabius Township would like to renew their Law Enforcement Services Contract with the County. The contract is for one deputy for 40 hours per week at approximately \$80,000 for one year.

It was moved by Commissioner Pueschel and supported by Commissioner Shafer that the Law Enforcement Services Contract between Fabius Township and the County be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

CHRISTMAS LUNCHEON

It was moved by Commissioner Bippus and supported by Commissioner Pueschel that the Courthouse Girls' Club request to close the offices for a Christmas Luncheon on December 9, 2004 from noon to 1:00 p.m. be approved. Motion carried.

ASSESSMENT AND TAX ADMINISTRATION CONTRACT TERMINATION

Ms. West-Wing stated that the City of Three Rivers had recently hired a new Assessor who desires to prepare their assessment and tax rolls and terminate their contract with the County.

It was moved by Commissioner Bippus and supported by Commissioner Baker that the Assessment and Tax Administration Contract with the City of Three Rivers be terminated.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

ASSESSMENT AND TAX ADMINISTRATION CONTRACT TERMINATION

Ms. West-Wing stated that the Township of Fabius desires to terminate their Assessment and Tax Administration Contract with the County.

It was moved by Commissioner Baker and supported by Commissioner Bippus that the Assessment and Tax Administration Contract with the Township of Fabius be terminated.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Motion carried.

TEMPORARY REPLACEMENT FOR FRIEND OF THE COURT CASEWORKER POSITION

Ms. West-Wing stated that a caseworker in the Friend of the Court is on medical leave and Mr. Thistlethwaite, Friend of the Court, has requested that this position be filled on a temporary basis.

After discussion no action on the request was taken.

RESOLUTION NO. 19-2004  
PROCLAMATION HONORING DENNIS L. DEVORE

WHEREAS, Dennis DeVore was appointed as St. Joseph County Juvenile Court Director/Referee on December 21, 1970; and

WHEREAS, Dennis DeVore has continued to serve in that capacity under Judge Robert P. Polleys, Judge John E. Morley and Judge Thomas E. Shumaker; and

WHEREAS, Dennis DeVore has many accomplishments while serving as Director including the recipient of the Liberty Bell Award in 1997; and

WHEREAS, Dennis DeVore's tireless work ethic has resulted in numerous successful and continually improving juvenile programs; and

WHEREAS, Dennis DeVore has committed his life, above and beyond the call of duty, to the youth of St. Joseph County; and

WHEREAS, Dennis DeVore will retire after more than 33 years of service on July 6, 2004.

NOW, THEREFORE, LET IT BE RESOLVED, that the St. Joseph County Board of Commissioners recognizes and expresses grateful appreciation for the many years of devoted service that Dennis DeVore has given to the County of St. Joseph.

BE IT FURTHER RESOLVED, that this resolution be spread upon the proceedings of the St. Joseph County Board of Commissioners this 15<sup>th</sup> day of June, 2004 and presented to Dennis DeVore at a celebration in his honor on the 6<sup>th</sup> day of July, 2004 with sincere best wishes for the future.

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

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Loudenslager.

Resolution adopted.

NOMINATIONS/APPOINTMENTS

Economic Development Corporation

It was moved by Commissioner Shafer and supported by Commissioner Bippus that Monte Bordner, Tom Donaldson, Don Beavers and Tod Mowery be appointed to the Economic Development Corporation for terms to expire June 1, 2010. Motion carried.

Commission on Aging

Commissioner Shafer nominated Andrew Rogness, Dorothy Pagels, Lois Lucas, John McCluskey and Polly Oliver to the Commission on Aging to 2 year terms and Lillian Carter for a 1 year term.

COMMITTEE REPORTS

Law Enforcement

Chairman Dobberteen stated that the next Law Enforcement Committee Meeting will be held on June 17th at 2:00 p.m.

Judiciary

Commissioner Bordner stated that the next Judiciary Committee Meeting will be held on July 14th at noon.

Physical Resources

Commissioner Bippus stated that the next Physical Resources Committee Meeting will be held on June 24th at 2:00 p.m.

Executive Committee

Commissioner Bordner reported on the Executive Committee Meeting held on June 11th:

- discussion on vehicle maintenance agreements.
- work session suggested for pre-budget.
- special meeting of the CMH Board to be held on Wednesday night.
- work session scheduled next week on the Technology Plan.
- Tax Assessment work discussion was held.

He stated that he would answer any questions that anyone may have.

PERSONNEL REPORT

Ms. West-Wing presented the following report:

RESIGNATION:

James Cook, Telecommunicator, has resigned effective June 18, 2004.

Rescind the resignation of Mitchell Walker, Caseworker Supervisor/Referee, which was to be effective June 11, 2004. (The Board of Commissioners accepted the resignation on May 18, 2004.)

Jennifer Njenga, EDC Project Manager, has resigned effective July 1, 2004.

MISCELLANEOUS:

Alice Easterday, Family Division Caseworker, has requested a waiver of County residency policy.

Placement of Rhonda McGlothlen, Typist/Accounting Clerk, at \$11.53/hr. (pay grade 3, Soltysiak system, step 5) effective March 30, 2004.

Brad Balk, Road Patrol Officer, is on medical leave commencing June 1, 2004 under the Family and Medical Leave Act of 1993.

Carmella Jones, Corrections Officer, is on medical leave commencing June 1, 2004 under the Family and Medical Leave Act of 1993.

TEMPORARY/SEASONAL EMPLOYMENT:

Lyle Garrison has been hired as seasonal Marine Patrol at \$14.35/hr. effective May 31, 2004.

Gary Stahl has been hired as seasonal Marine Patrol at \$14.35/hr. effective May 29, 2004.

RETIREMENT:

Dennis DeVore, Juvenile Division Director/Referee, will retire effective July 6, 2004.

NEW HIRE:

Tracy Jean Monroe has been hired as full-time Telecommunicator at \$13.32/hr. (Soltysiak system, grade 7, minimum) effective June 29, 2004.

It was moved by Commissioner Bippus and supported by Commissioner Baker that the Personnel Report be approved. Motion carried.

BUDGET ADJUSTMENTS

Ms. West-Wing presented the following report:

BUDGET ADJUSTMENTS:

INCREASE DRUG ENFORCEMENT FUND:

Line item 265-229-984.000 (Computer Hardware)	\$ 640.00
Line item 265-229-985.000 (Computer Software)	\$ 165.00

DECREASE:

Line item 265-229-941.000 (Contingency)	\$ 805.00
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INCREASE DISTRICT COURT CASEFLOW ASSISTANCE FUND:

Line item 218-136-980.000 (Equipment)	\$ 160.00
Line item 218-136-676.000 (Use of Fund Balance)	\$ 160.00

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

FINANCE DIRECTOR'S REPORT

Mr. Carey presented the following report:

Per Diem

Robin Baker – 7 half days 5/19, 5/20, 5/25, 5/28, 6/9 & 6/14/04 x 2	\$ 350.00
Monte Bordner- 11 half days – 5/19, 5/25 x 2, 5/27, 5/28, 6/2, 6/8 x 2, 6/11 & 6/14/04 x 2 & 2 full days 5/19 & 5/21/04	740.00
John Dobberteen – 8 half days 5/24, 5/26, 5/28, 6/3, 6/9, 6/14 x 2 & 5/17/04	590.00
David Puschel – 8 half days 5/20, 5/25, 5/26, 5/27, 6/2, 6/11 & 6/14/04 x 2	400.00
Eric Shafer – 6 half days 5/17, 5/25, 5/26, 6/2 x 2 & 6/14/04	<u>300.00</u>
	\$2,380.00

Expenses

Robin Baker	\$ 53.25
Monte Bordner	135.75
John Dobberteen	67.50
David Pueschel	85.50
Eric Shafer	<u>38.25</u>
	\$ 380.25

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

#### Financial Statements

	Revenues	Expenditures
May	\$ 1,030,609.00	\$ 996,524.00
Year to Date	5,169,029.00	5,386,388.00

Period Fund Balance \$34,084.00

Percent of budget year elapsed year to date.	41.67%
Percent of total budgeted funds earned year to date	39.96%
Percent of total budgeted funds expended year to date	41.64%

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

#### WORK SESSION

A pre-budget work session was scheduled for 5:00 p.m. on July 14th.

#### CITIZENS' COMMENTS

Kris Kirsch publicly thanked the community for their support during her suspension. She has been overwhelmed with kind words, cards, notes, emails and flowers during her suspension as Director of Community Mental Health. She said that she hopes to be back at work Thursday morning.

Dave Allen, Economic Development Director, stated that the EDC's website is up and running at [www.sjcedc.com](http://www.sjcedc.com) and invites all to visit the site and send him comments. He also thanked those Commissioners that attended the event on Monday, June 14th at American Axle to hear Mr. Dauch, the owner of American Axle speak. There was a good turnout.

In addition, Mr. Allen announced that the U.S. Environmental Protection Agency has awarded the County a \$400,000 Brownfield Redevelopment Grant and commended us on our superb application.

Chairman Dobberteen stated that Mr. Dauch had a good speech and sees the need to change our society.

#### MISCELLANEOUS

Commissioner Bippus asked that all the players regarding the County's address ordinance need to be brought together to try to resolve the issues with Fabius Township. We need to come to some kind of understanding by compromise or mediation.

Commissioner Shafer thanked Mr. Lanphear for bringing this issue to the Board and hopes that things can be worked out.

Commissioner Bordner thanked and congratulated Dave Allen on receiving the Brownfield Redevelopment Grant. He also commented on the meeting at American Axle and he agrees that changes need to be made.

He reminded everyone of the Community Mental Health Board Meeting tomorrow at 6:30 p.m.

Commissioner Bordner also thanked everyone for the kindness that was showed to his family for their recent problems.

ADJOURNMENT

It was moved by Commissioner Shafer and supported by Commissioner Bordner that the St. Joseph County Board of Commissioners adjourn until July 6, 2004 at 5:00 p.m. Motion carried.

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Pattie S. Bender, County Clerk

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John L. Dobberteen, Chairman