

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 19, 2007 at 5:00 p.m.

Chairman 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	John Dobberteen

Absent: Monte Bordner

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

AGENDA

Ms. West-Wing stated that the Prosecuting Attorney's Annual Report should be removed from the agenda and will be on the agenda for the next meeting.

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 Loudenslager that the minutes for June 5, 2007 be approved. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, June 8 and June 15, 2007.
2. Letter from the State Tax Commission, Re: Industrial Facilities Exemption Certificate issued to Lear Corporation.
3. Letter from the City of Three Rivers, Re: Notice of public hearing on June 19, 2007 to consider an Industrial Facilities Exemption Certificate to R & H Machine Products and a Property Rehabilitation Certificate at 29 North Main Street, Three Rivers.
4. Resolution from Livingston County, Re: Opposing House Bill 4852 (Tax on home insurance and telephones.)
5. Resolution from Antrim County, Re: Supporting Senate Bills 410 and 411 (Tax on cell phones and land lines for 9-1-1 services.)
6. Resolution from Lake County, Re: Urging the Michigan Legislature to freeze taxable values on residential properties.
7. Resolution from Lake County, Re: Opposing reduction in FOC Federal Incentive Money.
8. Resolution from Lake County, Re: Opposing House Bill 4398 (Prohibiting local government from competing against the private sector.)
9. Resolution from Lake County, Re: Supporting Senate Bills 410 and 411 (Tax on cell phones and land line for 9-1-1 services.)
10. Resolution from Lake County, Re: Prepaid Wireless Communication Services and Wireless 9-1-1 emergency service fees and surcharges.
11. Minutes of the Commission on Aging Board meeting of May 16, 2007.
12. Minutes of the Community Action Agency Board meeting of April 23, 2007.
13. Minutes of the Southwest Michigan Substance Abuse Advisory Council meeting of May 21, 2007.
14. Michigan Works! Newsletter – Spring 2007.

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

2006 ANNUAL AUDIT

Steve Kirinovic from Abraham & Gaffney, P.C., gave an overview of the County's 2006 Annual Audit. He stated that the audit is similar to the 2005 audit. It is a clean unqualified audit which is the best that we can receive.

In the 2005 audit they had 6 comments for improvements to be made. In 2006 there were only 2 which would not be there if there had not been new auditing standards.

It was moved by Commissioner Dobberteen and supported by Commissioner Dunlap that the 2006 Annual Audit be accepted.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Bordner.

Motion carried.

2006 SINGLE FEDERAL COMPLIANCE AUDIT

Mr. Kirinovic stated that because we receive federal monies through grants, such as Cooperative Reimbursement and Homeland Security, that they also audited those accounts. They had no findings on which to report.

It was moved by Commissioner Dobberteen and supported by Commissioner Dunlap that the 2006 Single Federal Compliance Audit be accepted.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Bordner.

Motion carried.

ROAD COMMISSION'S ANNUAL REPORT FOR 2006

Bruce Jones, Engineer/Manager of the St. Joseph County Road Commission presented their annual report for 2006. He said that he has been presenting this report for over 40 years. He introduced Cheryl Arver, Clerk of the Road Commission, along with Road Commissioners David Yunker, Rich Anderson and Robert Spillar.

He stated that during 2006 revenues were down and expenses were up. They derive their revenue through MTF funds. In 2004 they received \$5,100,000 and in 2006 they received \$4,850,000. They had 3 people retire last year and they are waiting until September to replace them in order to save money.

They also continue to shop around for prices. Before 2005 asphalt suppliers charged under \$.40; in 2005 the cost was \$.68; in 2006 it was \$.95 and now it is \$1.28. Therefore they will be doing no work on the primary roads but will do some work on local roads because they receive matching funds from the townships.

The MTF funds that they receive are computed by the number of gallons of gas sold not by the price per gallon and people are using less gasoline.

The State is also taking some of these funds for other uses and attempting to relate it to roads. They have taken \$121,500,000.00 so far.

In regards to work that needs to be done on the Covered Bridge an engineer from Battle Creek has been hired and they will be receiving a grant in the amount of \$500,000. They are on schedule to begin in September. In an attempt to restrict weight on the bridge they will restrict the height of vehicles that may traverse the bridge. The bridge has become somewhat twisted by traffic flow.

The Lutz Road bridge was finished 6 weeks early this summer and they will be building a bridge in Fawn River Township and also one on Bucknell Road and one on Custer Road.

Commissioner Dunlap stated that he thinks that the roads in this county are great.

Commissioner Shafer congratulated Mr. Jones and the Road Commission for operating the best that they can. It was moved by Commissioner Dunlap and supported by Commissioner Pueschel that the Road Commission's Annual Report for 2006 be accepted. Motion carried.

SHORT TERM TAX BOND BID

It was moved by Commissioner Dobberteen and supported by Commissioner Shafer that the Clerk be authorized to advertise for the Short Term Tax Bond Bids – 2007 Levy, properly marked as “sealed bids” and due at 4:00 p.m. on August 6, 2007. Motion carried. The bids will be opened during the Board's regular meeting on August 7, 2007.

INTERLOCAL AGREEMENT WITH THE CITY OF THREE RIVERS
FOR FLASHBACK DIGITAL VIDEO PROGRAM

It was moved by Commissioner Dunlap and supported by Commissioner Dobberteen that the Interlocal Agreement between the City of Three Rivers and St. Joseph County for the Flashback Digital Video Grant be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Bordner.

Motion carried.

REVISION TO PARKS ORDINANCE

Ms. West-Wing stated that the County's Parks Ordinance needs to be revised to remove the words “firearms prohibited.”

It was moved by Commissioner Dobberteen and supported by Commissioner Shafer that the Parks Ordinance Revision be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Bordner.

Motion carried.

HEAD START

The Community Action Agency is requesting support from the Board for their application for continued Head Start and Early Head Start funding through the Department of Health and Human Services, Administration for Children and Families, Office of Head Start.

It was moved by Commissioner Dunlap and supported by Commissioner Dobberteen that the Board of Commissioners send a letter of support to CAA for grant funding for their Head Start and Early Head Start Programs. Motion carried.

LABOR CONTRACT WITH FOP – CORRECTIONS SERGEANT UNIT

Ms. West-Wing recommended that the Board approve the contract with the FOP – Corrections Sergeant Unit. Economic issues include wage increases of 2.5%; 2%; 2% for 2007, 2008 and 2009; health/dental insurance employee premium co-pay increase from 10% to 12%; disability weekly maximum draw increase from \$500 to \$650 and to \$700 effective 1/1/09.

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that the Labor Contract with the FOP – Corrections Sergeant Unit be approved.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Bordner.

Motion carried.

LABOR CONTRACT WITH POAM – CORRECTIONS UNIT

Ms. West-Wing stated that negotiations and mediation have failed with POAM – Corrections Unit and an impasse has been declared. The Employer can now implement the last offer on health/dental insurance employee premium co-pay which is to increase from 10% to 12%. Other changes will not be implemented until a contract is signed.

It was moved by Commissioner Loudenslager and supported by Commissioner Dobberteen that the health/dental insurance employee premium co-pays be increased from 10% to 12% for the POAM – Corrections Unit be implemented.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Bordner.

Motion carried.

FISH LAKE CONTROL STRUCTURE EASEMENT CONDEMNATION

FISH LAKE
LAKE LEVEL
RESOLUTION NO. 12-2007
PURSUANT TO MCL 324.30701 et seq

Ms. West-Wing stated that the following resolution was drafted pursuant to the Board’s direction at the June 5, 2007 meeting.

WHEREAS, on October 28, 1994, a normal lake level for Fish Lake was established under the Inland Lake Level Act, Act 451 of the Public Acts of 1994; and

WHEREAS, the St. Joseph County Circuit Court established and confirmed the boundaries of a special assessment district for the lake level of Fish Lake on April 24, 1995; and

WHEREAS, the St. Joseph County Drain Commissioner serves as delegated authority and has prepared a computation of costs pursuant to MCL 324.30712 and has prepared a special assessment roll pursuant to MCL 324.30714; and

WHEREAS, the St. Joseph County Drain Commissioner, upon proper notice, held a hearing to review the inspection and maintenance costs and the special assessment roll pursuant to MCL 324.30714(2), and after such hearing approved the inspection and maintenance costs and the special assessment roll; and

WHEREAS, the Board of Commissioners has reviewed the project cost and the special assessment roll prepared by the Drain Commissioner.

NOW, THEREFORE BE IT RESOLVED:

1. The St. Joseph County Board of Commissioners hereby approves the inspection and maintenance costs and special assessment roll prepared by the Drain Commissioner.
2. The Board of Commissioners hereby directs the Drain Commissioner to levy special assessments for the inspection costs consistent with MCL 327.30701, *et seq.*, after the expiration of the appeal period.

It was moved by Commissioner Shafer and supported by Commissioner Dobberteen that the resolution be adopted and 2nd reading waived.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Bordner.

Resolution adopted.

WHITE PIGEON TOWNSHIP SPECIAL ASSESSMENT FOR KLINGER LAKE

Ms. West-Wing stated that the following resolution was drafted pursuant to the Executive Committee's direction.

RESOLUTION NO. 13-2007

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

WHEREAS, a lake level for Klinger Lake was established under the Inland Lake Level Act, formerly Act 146 of the Public Acts of 1961, on November 28, 1972 at 806.5 feet above mean sea level; and

WHEREAS, by resolution adopted on June 18, 2002, the Board of Commissioners of the County of St. Joseph (the "County") directed the St. Joseph County Drain Commissioner, as the County's "delegated authority" to institute proceedings in St. Joseph County Circuit Court to establish and confirm special assessment district boundaries for the established lake level of Klinger Lake, under the provisions of Part 307 of the Natural Resources and Environmental Protection Act, Act 451, Public Acts of Michigan, 1994, as amended ("Part 307") and determined that the financing of all future maintenance and improvements related to the established lake level for Klinger Lake will be borne by assessing the Klinger Lake Special Assessment District (the "Special Assessment District"); and

WHEREAS, on May 31, 2005, the St. Joseph County Circuit Court entered an Order establishing and confirming the Klinger Lake Level Special Assessment District, which Order included the Township of White Pigeon, at-large; and

WHEREAS, the St. Joseph County Drain Commissioner, upon proper notice, held a hearing to review the project costs and the special assessment roll pursuant to MCL 324.30714(2), and after such hearing approved the cost of the project and the special assessment roll; and

WHEREAS, the Board of Commissioners approved the project cost and the special assessment roll prepared by the Drain Commissioner; and

WHEREAS, no appeals of the project cost and special assessment roll were filed with a court of competent jurisdiction; and

WHEREAS, the Township of White Pigeon is refusing to pay its at-large assessment, which will result in a burden upon the County; and

WHEREAS, the St. Joseph County Board of Commissioners deems it expedient to have the St. Joseph County Drain Commissioner initiate an Action in Circuit Court to compel the Township to pay its legally established assessment.

NOW, THEREFORE BE IT RESOLVED:

1. The Board of Commissioners hereby directs the Drain Commissioner to initiate the filing of a Declaratory Action in Circuit Court to compel White Pigeon Township to pay its legally established at-large assessment.
2. The Board of Commissioners authorizes the Drain Commissioner to retain and direct the law firm of Hubbard, Fox, Thomas, White & Bengtson, P.C., to institute the proceedings in St. Joseph County Circuit Court.
3. The Board of Commissioners hereby directs that the costs of the action shall be paid by the Township of White Pigeon. However, should the Court direct otherwise, the costs 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.
4. 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 2nd reading waived.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Bordner.

Resolution adopted.

NOMINATIONS/APPOINTMENTS

Economic Development Corporation

It was moved by Commissioner Loudenslager and supported by Commissioner Shafer that Larry Walton be nominated and appointed to the EDC representing Agriculture, term to expire June 1, 2013. Motion carried.

COMMITTEE REPORTS

Law Enforcement

Commissioner Dobberteen stated that there was no report.

Judiciary

Commissioner Loudenslager stated that the next Judiciary Committee Meeting will be held at noon on July 11, 2007.

Physical Resources

Commissioner Shafer stated that the Physical Resources Committee met on June 1st to discuss 3 items and everyone has the minutes and if anyone has any questions he would answer them.

Executive Committee

Commissioner Dobberteen stated that the Executive Committee met on June 11th and 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:

MISCELLANEOUS:

Debra Steinman will change from part-time to full-time Corrections Officer at \$16.28/hr. effective May 22, 2007.

Todd Bohm, Road Patrol Officer, is on medical leave commencing June 17, 2007 under the Family and Medical Leave Act of 1993.

NEW HIRE:

Stacey L. Bower has been hired as part-time Telecommunicator at \$8.50/hr. effective June 27, 2007.

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

BUDGET ADJUSTEMENTS

Ms. West-Wing presented the following report:

BUDGET AMENDMENTS:

DECREASE ANIMAL CONTROL'S BUDGET:

Line item 101-430-816.000 (Contractual Services) \$ 1,020.00

INCREASE ANIMAL CONTROL'S BUDGET:

Line item 101-430-981.000 (Vehicles) \$ 1,020.00

DECREASE GENERAL FUND CONTINGENCY:

Line item 101-890-941.000 (Contingency) \$ 8,183.00

INCREASE DRAIN COMMISSION'S BUDGET:

Line item 101-275-706.130 (Wages – Deputy) \$ 5,304.00

Line item 101-275-715.000 (County Share FICA) 406.00

Line item 101-275-716.000 (Group Health Insurance) 2,229.00

Line item 101-275-716.010 (Group Dental Insurance) 103.00

Line item 101-275-716.020 (Group S & A) 104.00

Line item 101-275-716.100 (Insurance – Worker's Comp) 27.00

Line item 101-275-717.000 (Group Life Insurance) 10.00

\$ 8,183.00

<u>DECREASE GENERAL FUND #101:</u>	
Line item 101-390-999.000 (Operating Transfers Out)	\$425,000.00
<u>INCREASE BUDGET STABILIZATION FUND #257:</u>	
Line item 257-101-699.000 (Operating Transfers In)	\$425,000.00
 <u>INCREASE REGISTER OF DEEDS' TECHNOLOGY FUND BUDGET:</u>	
Line item 256-236-802.130 (Professional Services)	\$ 2,838.00
<u>DECREASE REGISTER OF DEEDS' TECHNOLOGY FUND BUDGET:</u>	
Line item 256-236-707.000 (Wages – Part time)	\$ 2,838.00

FROM APPROPRIATION:

\$158,591.00 from Parks and Recreation Appropriation to Parks and Recreation Fund.

\$192,980.00 from Community Mental Health Appropriation to Community Mental Health Fund.

\$40,000.00 from Probate Child Care Appropriation to Probate Child Care Fund.

Release of Department of Human Services Social Welfare quarterly appropriation in the amount of \$9,800.00 in advance of scheduled September payment.

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

FINANCE DIRECTOR'S REPORT

Mr. Carey presented the following reports:

Per Diem

Robin Baker – 14 half days 5/16, 5/17, 5/24 x 2, 5/29, 5/30, 6/1, 6/5, 6/11 x 2, 6/13 x 3 & 6/19/07 & 2 full days 5/22 & 6/4/07	\$ 890.00
Monte Bordner – 10 half days 5/18, 5/24, 6/12 x 3, 6/13 x 3, 6/14 & 6/18/07 & 3 full days 5/18, 5/21 & 6/18/07	785.00
John Dobberteen – 14 half days 5/16, 5/18, 5/22, 5/25, 6/1, 6/5, 6/7, 6/11 x 2, 6/12 x 3 & 6/13/07 x 2 & 2 full days 5/22 & 5/24/07	890.00
Michael Dunlap – 7 half days 5/24 x 2, 5/31, 6/6, 6/11 x 2 & 6/12/07	350.00
Gerald Loudenslager – 7 half days 5/17 x 2, 5/23 x 2, 6/11, 6/13 & 6/18/07 & 1 full day 5/24/07	445.00
David Pueschel – 9 half days 5/16 x 2, 5/17, 5/24 x 2, 6/11, 6/12, 6/13 & 6/18/07	450.00
Eric Shafer – 7 half days 5/22, 5/29 x 2, 5/30, 6/11 x 2 & 6/14/07	<u>350.00</u>
	\$4,160.00

Expenses

Robin Baker	\$ 302.97
Monte Bordner	339.95
John Dobberteen	175.57
Michael Dunlap	96.52
Gerald Loudenslager	268.49
David Pueschel	<u>117.37</u>
	\$1,300.87

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

Financial Statements

	Revenues	Expenditures
May	\$ 1,021,548	\$ 992,015
Year to Date	5,646,307	5,557,107
Period Fund Balance	\$29,532.00	
Year to Date	\$89,200.00	

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

CHAIRMAN’S REPORT

Chairman Baker stated that the last Retirement Board Meeting was held today. The system was begun on December 31, 1967. We have transferred approximately \$17,000,000 to MERS.

MISCELLANEOUS

Commissioner Loudenslager stated that he is excited to serve and be Chairman of an 8 county consortium called Southwest Michigan Long Term Care Connection.

Commissioner Shafer asked if we were ready to have all recycling boxes pulled throughout the County by the end of the month.

Ms. West-Wing stated that she believes that they are scheduled to be removed the week of June 25th.

CLOSED SESSION

It was moved by Commissioner Dunlap and supported by Commissioner Shafer that the Board go into closed session to discuss property acquisition.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Bordner.

Motion carried.

OPEN SESSION

The Board resumed business in open session.

PROPERTY ACQUISITION

It was moved by Commissioner Dunlap and supported by Commissioner Shafer that the County put up a 30% match for a grant that the Parks and Recreation Director is directed to apply for through the Natural Resources Trust Fund for property acquisition.

The aye and nay vote was called as follows:

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

Nay votes cast: 0

Absent: 1 – Commissioner Bordner.

Motion carried.

ADJOURNMENT

It was moved by Commissioner Dobberteen and supported by Commissioner Dunlap that the St. Joseph County Board of Commissioners adjourn until July 3, 2007 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

Robin Baker, Chairman