

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 July 21, 2009, at 5:00 p.m.

Chairman John L. Dobberteen 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
John L. Dobberteen	

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

AGENDA

Chairman Dobberteen stated that the JAG Grant for the City of Three Rivers would be added under new business.

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

MINUTES APPROVED

It was moved by Commissioner Dunlap and supported by Commissioner Loudenslager that the minutes for July 7, 2009 be approved. Motion carried.

COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, July 10 and July 17, 2009.
2. Letter from the Michigan Public Service Commission, Re: Notice of opportunity to comment or request a hearing regarding Consumers Energy's request for approval of the reconciliation of Consumers Energy's Electric Choice Incentive Mechanism for the period June 20, 2008 through December 31, 2008.
3. Letter from McCartney & Company, P.C., Re: Copy of annual audit for St. Joseph County 9-1-1 Service District.
4. Letter from Mottville Township, Re: Notice of public hearing on September 10, 2009 to consider an application for an Industrial Facilities Exemption Certificate from the Andersons, Inc.
5. Letter from Lawrence Fitch, Re: Resignation from Veterans' Affairs Board.
6. Resolution from Gratiot County, Re: Support of State Revenue Sharing.
7. Resolution from Charlevoix County, Re: Opposing Senate Joint Resolution H (taxable values).
8. Resolution from Alger County, Re: Support of House Bills 4785 and 4786 (Expansion of unemployment benefits and acceptance of Federal stimulus funds.)
9. Resolutions from Barry County, Re: Hold counties harmless in DHS lawsuit; Support of State revenue sharing; Restore funding for local health departments.
10. Minutes of the Commission on Aging Board meeting of June 17, 2009.

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

2008 ROAD COMMISSION ANNUAL REPORT

Bruce Jones, Engineer-Manager, introduced 2 Board members that were present, David Yunker and Tony Lang along with Clerk, Cheryl Arver.

Mr. Jones stated that the Michigan Transportation Fund (MTF) revenues, which they use for day-to-day operations, continues to decline. Since 2005 they have decreased \$480,098. These funds are derived from gasoline, license and fuel oil taxes.

The Road Commission millage revenue has, however, increased \$107,000 over the same time period, but these funds can only be used for routine road maintenance.

The Road Commission has cut back on mowing and their chip and seal program because of the expensive last 2 winters. Mr. Jones stated that he does not believe that since he has been with the Road Commission that we have gotten 85" to 90" of snowfall in 1 winter like we did this year. This cost the Road Commission \$1,000,000 and the cost was just below that in 2008. When this much money is spent in the winter, summer work is cut back. In addition, because of their shortfall they did not hire summer help this year.

Mr. Jones did say that the bridge program has been successful, especially the critical bridge program. The \$30,000 that the County appropriates to the Road Commission bridge fund is used for matching funds and is very much appreciated.

In 2008 there was a joint venture to upgrade Anderson and Blue School Roads to all-weather roads in Mottville Township. A major portion of this project was funded with Category A Federal monies, with the remaining balance being funded by the Road Commission with MTF monies and Fresh Solution Farms.

Shimmel Road will be finished this year to an all weather road. It will be done by Reith-Reilly and will begin no later than August 10th and will be done by September 19th.

The Road Commission is widening the causeway by the Covered Bridge and will be placing used guardrails there as well. The contractor that refurbished the bridge last year is still supposed to come back and repair the roof that was damaged in a wind storm this spring. He said that he has received criticism regarding the head-knockers that were placed at either end of the Covered Bridge to limit heavy vehicles from crossing the bridge.

Mr. Jones said that he has a good Board to work with during these stressful times.

Commissioner Shaffer stated that it was a good report and Mr. Jones does a good job as does the Road Commission and staff. He asked if there is a completion date for the Covered Bridge and also asked in what year we are in the transportation millage.

Mr. Jones responded by saying that the rocks for the causeway at the Covered Bridge should be hauled in this week and they will have to make a determination on whether or not they want to open the causeway without placing the guardrails. He would not give a completion date.

He stated that he thought that we were in the 5th year of the millage.

Commissioner Dunlap asked if any stimulus money will be received. Mr. Jones said that yes they will receive \$470,000 and they want to use this money in 2010 to do some chip and seal, centerline and edgestriping.

Commissioner Loudenslager stated that it was an excellent report and asked about the issue in Leonidas.

Mr. Jones stated that he talked to the attorney today and they are waiting for answers from the DNR. While the Road Commission has been blamed for contaminating the groundwater in the area due to a salt and sand pile that they had at their garage (which was removed in 1979), now there may be another cause for the contamination which is currently ongoing.

Commissioner Loudenslager also asked if any paved roads will be ground up to make them gravel roads like VanBuren County is doing. Mr. Jones assured them that they will not do this.

It was moved by Commissioner Dunlap and supported by Commissioner Pueschel that the 2008 Road Commission Annual Report be accepted. Motion carried.

G.I.S. DEPARTMENT ANNUAL REPORT

Andrew Hartwick, G.I.S. Director thanked the Board for allowing him the opportunity to present their 2008 Annual Report.

He stated that 2008 was a good year. They added an intern who accomplished a lot of things that had been on the back burner. He thanked the Board for employing this intern.

The Intern identified 1,146 lakes and ponds in the County including golf course ponds and also 32 rivers and creeks. The determination is that there were 23 square miles of surface water in the County. They have created a new water layer in the mapping system.

Mr. Hartwick stated that they are now cooperating with the Drain Commissioner's Office to work on the drains to create another layer for the mapping system.

Also, during 2008 a fee study was done, this being a direct cost analysis. As a result, an updated fee schedule was approved by the Board as was an enhanced access policy update. Now, they sell their products for the cost of maintenance and production.

Mr. Hartwick stated that he and Erin Langworthy, the cartographer, keep things moving in the G.I.S. Department. They also maintain data for 9-1-1.

In addition they provide flood insurance maps for the Federal Emergency Management Agency.

There was a reduction in grant monies for the Remonumentation Program but they did complete 81 section corners in 2008 of which 22 were paid by the Michigan Department of Transportation.

The precision GPS has been great and he thanked the Board for their support of the Remonumentation Program.

Mr. Hartwick said that they sell a lot of digital data and does not see that decreasing. He believes that they provide quality service and thinks that ¼ of all their expenses are directly serving the public.

Commissioner Shaffer stated that it was a nice report and Mr. Hartwick and his staff do a great job.

He then asked about the Address Ordinance and Mr. Hartwick responded by saying that the G.I.S. Department does all of the addresses and also the changes. He works with 9-1-1 and the Road Commission when figuring out addresses. He estimates that there are approximately 38,000 addresses in the County.

Commissioner Loudenslager stated that it was an excellent report and he said that the water overlay pictures are great.

It was moved by Commissioner Loudenslager and supported by Commissioner Shaffer that the G.I.S. Annual Report for 2008 be accepted. Motion carried.

REQUEST FROM DRAIN COMMISSIONER TO EXTEND LAKE LOAN

Ms. West-Wing stated that a request has been received from the Drain Commissioner to extend the lake loan to cover the expenses in establishing the required lake level special assessment districts. The loan was established in January 2005 for 30 months. Two other 12 month extensions have been approved by the Board and now he is asking for another 12 months.

It was moved by Commissioner Dunlap and supported by Commissioner Pueschel that the request from the Drain Commissioner to extend the lake loan relative to Long Lake, Three Rivers be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7 – Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware, Pueschel & Dobberteen.

Nay votes cast: 0

Motion carried.

REQUEST TO CLOSE COUNTY OFFICES FOR ANNUAL CHRISTMAS LUNCHEON

It was moved by Commissioner Dunlap and supported by Commissioner Shaffer that the request to close the County offices from 12:00 noon to 1:00 p.m. on December 9, 2009 for the annual Christmas luncheon be approved. Motion carried

MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF THREE RIVERS AND THE COUNTY OF ST. JOSEPH, MICHIGAN
PERTAINING TO RECOVERY ACT: JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

Ms. West-Wing stated that the City of Three Rivers will be awarded some grant funds in the amount of \$10,596 to purchase 2 Flashback Digital Video Systems for use in their police K-9 vehicles as part of the Justice Assistance Grant Program through the Federal Government. She stated that the County also needs to approve the Memorandum of Understanding because the City is in the County.

It was moved by Commissioner Baker and supported by Commissioner Dunlap that the Memorandum of Understanding for the JAG Program Award for the City of Three Rivers be approved.

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware, Pueschel & Dobberteen.

Nay votes cast: 0

Motion carried.

RESOLUTION NO. 12-2009

RESOLUTION APPROVING COST OF MAINTENANCE
FOR LAKE LEVEL OF LONG LAKE
PURSUANT TO MCL 324.30722

Commissioner Loudenslager presented the following resolution:

WHEREAS, Long Lake is an inland lake located in Fabius Township, St. Joseph County for which the St. Joseph County Circuit Court has previously determined the established lake levels, and for which the Court has confirmed a special assessment district on June 23, 1983, file No. 4544, for defraying the cost of maintaining the established lake levels, pursuant to MCL 324.30701, *et seq.*; and

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

WHEREAS, upon inspection of the Long Lake water control structure, the St. Joseph County Drain Commissioner has determined that such structure has fallen into disrepair to the extent that the construction and installation of a new water control structure is necessary in order to maintain the Court-ordered lake levels of Long Lake; and

WHEREAS, the St. Joseph County Drain Commissioner has been informed that the cost of construction and installation of a new water control structure will exceed \$10,000 and, pursuant to MCL. 324.30722, such cost must first be approved by resolution of the County Board of Commissioners.

NOW, THEREFORE BE IT RESOLVED that the St. Joseph County Board of Commissioners hereby approves the expenditure for the construction and installation of a new water control structure for purposes of maintaining the lake levels of Long Lake, with such cost to be assessed to the property owners within the established Lake Level Special Assessment District for Long Lake.

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

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware, Pueschel & Dobberteen.

Nay votes cast: 0

Resolution adopted.

RESIGNATIONS/NOMINATIONS/APPOINTMENTS

Commission on Aging

It was moved by Commissioner Loudenslager and supported by Commissioner Baker that the resignation of Commissioner Pueschel from the Commission on Aging be accepted. Motion carried

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that Commissioner Shaffer be nominated and appointed to the Commission on Aging to fill Commissioner Pueschel's unexpired term - June 30, 2011. Motion carried.

District Health Board

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that the resignation of Commissioner Shaffer from the District Health Board be accepted. Motion carried.

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that Commissioner Pueschel be nominated and appointed to the District Health Board to fill Commissioner Shaffer's unexpired term - December 31, 2009. Motion carried.

COMMITTEE REPORTS

Law Enforcement

Commissioner Baker stated that the Law Enforcement Committee had not met.

Judiciary

Commissioner Loudenslager stated that the Judiciary Committee met on July 8th and everyone has a copy of the minutes and he will answer any questions that anyone may have.

Physical Resources

Commissioner Dunlap stated that the Physical Resources Committee had not met.

Executive Committee

Commissioner Baker stated that the Executive Committee met on July 17, 2009 and 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:

NEW HIRE:

Darlene Hawk has been hired as In-Home Services Aide at \$9.85/hr. (COA, level 5, minimum) effective July 14, 2009.

It was moved by Commissioner Baker 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 CONTINGENCY:

Line item 101-890-941.000 (Contingency) \$ 7,800.00

INCREASE VETERANS' AFFAIRS BUDGET:

Line item 101-681-833.000 (Burial Fee) \$ 7,800.00

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

FINANCE DIRECTOR'S REPORT

Mr. Carey presented the following reports:

Per Diem

Robin Baker - 5 half days 6/24, 7/2, 7/7, 7/8 & 7/17/09 & 2 full days 6/22 & 6/25/09	\$ 440.00
John Dobberteen - 5 half days 6/23, 7/2, 7/8, 7/14 & 7/17/09	250.00
Michael Dunlap - 5 half days 6/29, 7/1, 7/8, 7/10 & 7/14/09 & 3 full days 6/25, 6/26 & 7/21/09	535.00
Gerald Loudenslager - 4 half days 6/18, 7/8, 7/11 & 7/13/09 & 1 full day 6/25/09	295.00
David Puschel - 8 half days 6/17 x 2, 6/25, 7/2, 7/8, 7/15 x 2 & 7/17/09	400.00
Rick Shaffer - 5 half days 4/29, 5/28, 6/15, 6/24 & 7/20/09 & 3 full days 4/27, 4/30 & 6/22/09	535.00
Jerry Ware - 3 half days 6/29, 7/1 & 7/21/09	<u>150.00</u>
	\$2,605.00

Expenses

Robin Baker	\$ 227.15
John Dobberteen	59.40
Michael Dunlap	261.25
Gerald Loudenslager	91.79
David Puschel	122.10
Rick Shaffer	229.35
Jerry Ware	<u>33.00</u>
	\$1,024.04

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

Financial Statements

	Revenues	Expenditures
June	\$ 1,144,182	\$ 1,112,911
Year to Date	6,766,447	6,696,602
Period Fund Balance	\$31,271.00	
Year to Date	69,845.00	
Percent of budget year elapsed year to date.	50.00%	
Percent of total budgeted funds earned year to date	45.80%	
Percent of total budgeted funds expended year to date	45.32%	

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

CLOSED SESSION

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

The aye and nay vote was called as follows:

Aye votes cast: 7 - Commissioners Shaffer, Loudenslager, Dunlap, Baker, Ware, Pueschel & Dobberteen.

Nay votes cast: 0

Motion carried.

OPEN SESSION

The Board resumed business in open session and it was moved by Commissioner Dunlap and supported by Commissioner Baker that the Administrator proceed as discussed in closed session. Motion carried.

MISCELLANEOUS

Commissioner Pueschel stated that today was his 30th wedding anniversary.

Commissioner Shaffer expressed condolences to the McDonough family on the death of Robert who was also the Fabius Township Supervisor.

ADJOURNMENT

It was moved by Commissioner Baker and supported by Commissioner Dunlap that the St. Joseph County Board of Commissioners adjourn until August 4, 2009 at 5:00 p.m. Motion carried.

Pattie S. Bender, County Clerk

John L. Dobberteen, Chairman