

Annual 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 October 2, 2007 at 5:00 p.m.

Vice-Chairman 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:

Gerald E. Loudenslager	Michael D. Dunlap
Monte Bordner	David J. Pueschel
John Dobberteen	

Absent: Eric Shafer and Robin Baker

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

#### AGENDA

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

#### MINUTES APPROVED

It was moved by Commissioner Loudenslager and supported by Commissioner Dunlap that the minutes for September 18, 2007 be approved. Motion carried. Commissioner Bordner abstained due to absence.

#### COMMUNICATIONS

1. Letter from the Michigan Association of Counties, Re: MAC Legislative Updates, September 21 and September 28, 2007.
2. Letter from Mottville Township, Re: Notice of public hearing on October 11 to consider an Industrial Facilities Exemption Certificate to Fresh Solution Farms, LLC.
3. Letter from State Bureau of Construction Codes, Re: Copy of eighth biennial report to the Legislature regarding State Survey and Remonumentation.
4. Resolution from Lake County, Re: Opposing House Bill 4780-4788 (shifting some services from the township level of government to the county level.)
5. Resolution from Antrim County, Re: Processing of passports through County Clerk.
6. Minutes of the Community Mental Health Services Board meeting of August 28, 2007.
7. Minutes of the Department of Human Services Board meeting of August 28, 2007.
8. Minutes of the Community Action Agency Board meeting of August 27, 2007.

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

#### CITIZENS' COMMENTS

Many employees from Central Dispatch introduced themselves to the Board. Darcy Borden, one of the employees, stated that she was representing her co-workers asking the Board to approve them giving Tracy Monroe their sick time to carry her through until her next round of FMLA begins on November 29th. They had requested that this item be placed on the agenda.

Tracy Monroe has exhausted all sick leave, personal time, vacation and FMLA benefits and continues to need time off to travel with her young daughter to New York for treatments.

Ms. West-Wing explained that the Board of Commissioners determines what items appear on the agenda and since the federal Family and Medical Leave Act (FMLA), labor contract and policy had been followed there was no need to place the item on the agenda.

Ms. Borden understands that all rules and regulations, policies and contracts have been followed but also knows that the Board of Commissioners can go above and beyond this.

Commissioner Pueschel knows why this was not on the agenda and someone needs to explain to the employees why the Board of Commissioners will do no more.

Commissioner Dunlap stated that this is a very difficult subject. All Commissioners feel compassion for the Monroes, but the County has done all that they can. The Monroes have alternatives. He stated that all of the co-workers are being good friends, but the Board of Commissioners have a responsibility to the taxpayers of St. Joseph County. It is easy to get caught up in emotions, but the County has bent over backwards to accommodate Mrs. Monroe.

Commissioner Dunlap suggested that the Monroes get insurance through Mr. Monroe's employer, Armstrong's of Three Rivers.

Mike Hayden, Employee, stated that sick time has been given to another employee in the past even though it was an accounting nightmare.

Martha Moore, mother of Tracy Monroe, stated that Tracy intended to be here today but they did emergency surgery on baby Marissa, and they are still in New York. Little overtime has been used to cover Tracy's shifts. Marissa is making progress and will need to go to New York 1-2 weeks every 2-3 months.

William Moore, Tracy's father, stated that he was a former Sheriff, Undersheriff and Police Chief and that dispatching should go back under Law Enforcement. He is asking for Tracy's continued employment. This is a life or death situation and she needs her job. The Board of Commissioners can override policy, contracts, etc., and give Tracy a leave of absence. He stated that Tracy is a dedicated employee.

Ms. Sensat, another Central Dispatch employee, stated that Tracy is one of the best employees. If she is terminated then there is 16 weeks of training for a new employee and the County will lose a very valuable employee. She further stated that even with all the stress that Tracy has been under, she never complains, she does her job and does it well.

Richard A. Homan, 205 W. Bennett, Three Rivers stated that he is a contract employee for the Army and Navy Recruiter and would like to help people in Iraq and Afghanistan. He is trying to place some brochures and mugs and other paraphernalia in the Clerk's Office and other offices and has been refused. Vice-Chairman Dobberteen referred him to Ms. West-Wing.

State Representative Rick Shaffer, gave a brief synopsis of the State's new budget. It was a compromise with the Governor and state personal income taxes will increase to 4.35%. He would rather the tax to have been capped at 4%. There was a \$1.75 billion shortfall. In addition there will be taxation on some services. There is also a 30 day budget extension. He would have preferred a revenue neutral budget.

PUBLIC HEARING  
MENDON VILLAGE ANNEXATION

Vice-Chairman Dobberteen declared that the public hearing for the Mendon Village Annexation is open.

John Hyden, Mendon Village Manager, requested that the Board of Commissioners adopt 2 resolutions to annex certain parcels of land from Mendon Township into the Village of Mendon.

Vice-Chairman Dobberteen asked for other public comments and there being none he closed the Public Hearing.

RESOLUTION NO. 17-2007  
RESOLUTION AND ORDER CHANGING THE CORPORATE VILLAGE BOUNDARIES  
OF THE VILLAGE OF MENDON, ST. JOSEPH COUNTY, MICHIGAN

WHEREAS, the Village of Mendon has made and filed a Petition requesting a change of its corporate limits and boundaries by annexing and including the following property owned by Robert DeGrote:

Description of Property

Lot 3, Riley Subdivision, according to the Plat of record in the office of the Register of Deeds for St. Joseph County, Michigan in Liber 6 of Plats on Page 7  
Said parcel being currently known as Tax Parcel #75-010-023-011-80

WHEREAS, the described property is adjacent and contiguous to the present corporate limits of the Village of Mendon; 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 Mendon and does hereby ORDER that the boundaries of the Village of Mendon be altered and changed to include within the corporate limits and boundaries of the Village of Mendon the property 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 Mendon Village Clerk and to the Secretary of State of the State of Michigan as required by Statute.

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

The aye and nay vote was called as follows:

Aye votes cast:           5 -     Commissioners Loudenslager, Dunlap, Pueschel, Bordner and Dobberteen.

Nay votes cast:           0

Absent:                   2 -     Commissioners Shafer and Baker.

Resolution adopted.

RESOLUTION NO. 18-2007  
RESOLUTION AND ORDER CHANGING THE CORPORATE VILLAGE BOUNDARIES  
OF THE VILLAGE OF MENDON, ST. JOSEPH COUNTY, MICHIGAN

WHEREAS, the Village of Mendon has made and filed a Petition requesting a change of its corporate limits and boundaries by annexing and including the following property owned by Dennis M. Hempel and Jennifer Heath:

Description of Property

All of that part of the southwest ¼ of the Southwest ¼ of Section 23, Town 5 South, Range 10 West, Mendon Township, St. Joseph County, Michigan, described as follows:  
Beginning at a concrete monument found at the Northwest corner of Lot 1 of Riley Subdivision (Liber 6 of Plats, Page 7), and running thence N 00° 06' 37" E 184.06 feet to a capped iron set; thence S89° 47' 52" E 165.43 feet to a capped iron set; thence S00° 10' 02" W (recorded as S00° 10' W) 183.96 feet to a capped iron found; thence N89° 49' 58" W (recorded as N89° 34' W), along the North line of said Lot 1 and its easterly extension, 165.25 feet to the point of beginning  
Said Parcel being currently known as Tax Parcel #75-010-023-011-06

WHEREAS, the described property is adjacent and contiguous to the present corporate limits of the Village of Mendon; 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 Mendon and does hereby ORDER that the boundaries of the Village of Mendon be altered and changed to include within the corporate limits and boundaries of the Village of Mendon the property 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 Mendon Village Clerk and to the Secretary of State of the State of Michigan as required by Statute.

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

The aye and nay vote was called as follows:

Aye votes cast: 5 - Commissioners Loudenslager, Dunlap, Pueschel, Bordner and Dobberteen.

Nay votes cast: 0

Absent: 2 - Commissioners Shafer and Baker.

Resolution adopted.

#### SECTION FOUR DRAIN

David Hassenger, Drain Commissioner, requested reconsideration of a resolution regarding the Section Four Drain in Park Township that was defeated by the Board of Commissioners at their July 3rd meeting.

Attorney Jeff Seidlin spoke to the issue and the status of the agreement that is trying to be worked out with Monroe and Vicki Learn.

The Learn's want the substantive provisions removed from the Agreement, however, the Drain Commissioner remains liable for the drain.

There is a breach of the dyke which is causing flooding. The pumping by the Learn's is not successfully working. This actually affects 4 county drains. An outlet needs to be reestablished on the Section Four Drain.

The Drain Commissioner is limited on the work that he can do without petitions which have been provided and never returned.

Mr. Seidlin continued by saying that this whole issue provides potential liability to the Drain Commissioner and the resolution would allow him to remove the obstruction.

The Learn's were aware of the entire situation when they purchased the property and at this time the Drain Commissioner is renewing his request to the Board to adopt the resolution.

Monroe Learn stated that he was never notified of this meeting.

Mr. Seidlin stated that he advised him that the Drain Commissioner wanted this on the agenda tonight. Mr. Seidlin stated that he asked Mr. Learn to participate in the telephone conference call and Mr. Learn refused.

Mr. Learn stated that there was never a breach on the property and asked if any of the Commissioners have visited the property.

Mr. Learn further stated that Commissioner Shafer and Joe Eichorn, Park Township Supervisor, want to work this out and they do not want Mr. Beldon pumping water.

He stated that he has a letter from the Department of Environmental Quality stating that everything is fine. He stated that he is willing to take on liabilities saying that he is not trying to avoid them.

Mr. Learn requested that the Commissioners look at the situation before passing the resolution.

Vicki Learn stated that they originally worked with another attorney and she did not understand some parts of the agreement.

She said that if the drain is put in the sediment pond will be gone. Mr. Learn stated that he has a permit to mine peat and cannot do that if the pond is gone.

Lewis Mattheis, 19121 Mint Road, Three Rivers stated that this whole issue affects many people. Pulling the plug would not be to the benefit of a lot of people and he cannot see why the pumping is necessary. If the water level is dropped it would affect the fish in the ponds of many people.

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

Commissioner Dunlap stated that he has reviewed all of the paperwork on this issue and it is a mess. Roads have been built and dykes have been built and he said that everyone is pumping water which makes no sense to him. There is a liability to the taxpayers of the County. He had hoped that by now there would have been an agreement reached.

Mr. Hassenger stated that if the resolution is passed that it does not prevent negotiations to continue with the Learns. There are no rights taken away from any property owners to petition, it just gives him one more tool in his toolbox.

Mr. Hassenger further stated that he is asking ahead of time to spread the assessment for repairs instead of after the work has been done to clarify some issues as it affects the Learns. Normally, he would remove the obstruction and then come to the Board of Commissioners to spread the assessment after the money has been spent.

Commissioner Bordner stated that this issue came before the Board of Commissioners on July 3rd and 90 days have passed and he would have thought that the Learns would have hired counsel to try to resolve this issue. This needs to be corrected.

Commissioner Loudenslager stated that after the information that he received tonight from Joe Eichorn what the Drain Commissioner wants to do is the most expensive remedy. He cannot support the resolution until he visits the site.

Commissioner Pueschel stated that he cannot support the issue because it hurts too many people.

Commissioner Dunlap stated that this is a combination of issues but is concerned with the liability to the taxpayers of the County. The Learns bought the property knowing that this issue existed.

It was moved by Commissioner Bordner and supported by Commissioner Loudenslager that the resolution be tabled until October 16, 2007. Motion carried.

#### AUDIT LETTER

Ms. West-Wing recommended approval of an Audit Letter from Rehmann-Robson for conducting our audits for 2007-2009. The cost is \$25,000 for Audit Year 2007; \$25,750 for Audit Year 2008; and \$26,500 for Audit Year 2009. She further stated that there is a possibility of contracting with them for Audit Year 2010 for \$26,500 and for Audit Year 2011 for \$26,500.

It was moved by Commissioner Loudenslager and supported by Commissioner Pueschel that the Audit Letter from Rehmann-Robson be approved for a cost of \$25,000 for Audit Year 2007; \$25,750 for Audit Year 2008; and \$26,500 for Audit Year 2009.

The aye and nay vote was called as follows:

Aye votes cast: 5 - Commissioners Loudenslager, Dunlap, Pueschel, Bordner and Dobberteen.

Nay votes cast: 0

Absent: 2 - Commissioners Shafer and Baker.

Motion carried.

#### BOARD OF CANVASSERS

The Commissioners each cast a vote for the Board of Canvassers as the Clerk called their name. One is to be elected from each party's nominees. Votes were cast as follows:

##### Republican

James D. Wetherbee 5 votes

Scot Jefferies 0 votes

Amy Trudell 0 votes

##### Democrat

Marcia Bennett 5 votes

Vesta Thompson 0 votes

Yaminah Leake 0 votes

James D. Wetherbee and Marcia Bennett were elected to the Board of Canvassers for 4 year terms expiring November 1, 2011.

#### COMMITTEE REPORTS

##### Law Enforcement

Commissioner Loudenslager stated that there was no report.

##### Judiciary

Commissioner Loudenslager stated that the next meeting will be held on Wednesday, October 10th at noon.

##### Physical Resources

Commissioner Dunlap stated that there was no report.

##### Executive

Commissioner Bordner stated that everyone had received a copy of the minutes of the Executive Committee Meeting on September 28, 2007 and he would answer any questions that anyone may have.

#### PERSONNEL REPORT

Ms. West-Wing presented the following report:

#### PERSONNEL REPORT

#### RESIGNATION:

Sheryll Sensat, Telecommunicator, has resigned effective October 4, 2007.

MISCELLANEOUS:

Karen Keene will change from Child Support Division Secretary to part-time (20 hours/week) Parks and Recreation Secretary at \$12.41/hr. (grade 1, maximum) effective October 1, 2007. This change is a result of the elimination of the Child Support Division Secretary position.

Kathy Kline, Deputy Circuit Court Clerk, will be on medical leave commencing October 17, 2007 under the Family and Medical Leave Act of 1993.

LAYOFF:

Joanna Schrock, part-time Parks and Recreation Secretary, has been laid off effective September 27, 2007.

NEW HIRE:

Cody Cripe has been hired as part-time Court Security at \$12.44/hr. effective October 2, 2007.

TERMINATION:

Tracy Monroe, Telecommunicator, has been terminated (due to her inability to report to work) effective October 1, 2007.

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

REQUISITIONS

Ms. West-Wing presented the following report:

ID Networks live scan system, install, first year maintenance	\$ 11,255.00
ID Networks driver's license scanner	495.00
Laptop (HP Compaq nx 9420 Notebook PC w/ 5 year maintenance)	2,341.00
Rugged carrying case for laptop	<u>230.00</u>
	\$ 14,321.00

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

BUDGET ADJUSTMENT

Ms. West-Wing presented the following report:

FROM GENERAL FUND CONTINGENCY:

\$45,000.00 from Contingency to Juvenile Division, line item 101-149-802.020 (Attorney fees).

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

BILLS

Mr. Carey presented the following bills for payment:

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Due from Employees	\$ 454.00	\$
Due from State	10,151.25	
Prepaid Insurance	144,858.00	
County Commission	386.13	8,097.36
Circuit Court	4,609.45	13,086.72

<u>GENERAL FUND</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
District Court	\$ 1,034.30	\$ 59,938.64
Friend of the Court	2,261.20	33,270.94
Probate Court	460.48	18,293.35
Juvenile Branch	12,266.05	40,355.69
Appeals Court	2,913.20	
Administration		9,537.14
Finance Department	1,585.32	12,802.38
County Clerk		21,558.92
Equalization Department	6,415.00	15,010.03
Human Resources		6,789.70
Geographic Information Systems		6,383.07
Prosecutor's Office	7,654.33	41,081.22
Central Services	9,654.97	5,301.26
Register of Deeds	51.00	13,122.01
County Treasurer		13,878.88
Cooperative Extension	1,000.29	9,779.74
Information Technology	1,402.86	11,352.96
Buildings & Grounds	7,797.56	14,509.10
Courts Building Security		5,558.96
Drain Commission		5,322.27
Sheriff Department	15,541.40	92,523.62
Sheriff Reserves	35.00	
Marine Patrol	610.58	2,047.98
Jail & Turnkey	16,316.52	101,737.86
Emergency Services	59.82	5,239.00
Animal Control	1,534.94	8,615.54
Board of Public Works		637.61
Child Care - Probate	9,345.47	
Department of Veterans' Affairs	300.00	
Veterans' Services		1,131.39
Utilities & General Services	23,371.23	
Total	\$ 282,070.35	\$ 576,963.34
<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
County Road Commission	\$ 696,600.83	\$
Parks & Recreation	1,027.24	9,748.66
Emergency 911 Service	12,499.59	56,078.15
Central Dispatch - Wireless	6,555.45	3,773.08
Meyer Broadway/Coon Hollow Park	205.49	2,759.97
Friend of the Court	193.99	1,065.06
Cade Lake Park	1,741.98	3,852.67
Waste Management Fund		
County Commission	12,150.46	
Traffic Safety Program Fund	24.53	6,023.62
Economic Development Fund	508.14	
Survey & Remonumentation	2,410.00	
Register of Deeds Automation Fund	1,355.10	
Victims' Rights Advocate Fund		3,138.06
Community Corrections Advisory Board	4,241.67	2,847.76
Community Corrections Program	1,624.00	72.11
Drug Law Enforcement Fund	429.14	

<u>OTHER FUNDS</u>	<u>EXPENDITURES</u>	<u>PAYROLL</u>
Law Enforcement Fund	\$	\$ 14,488.64
Secondary Road Patrol		8,626.49
Homeland Security Grant Fund	5,583.81	
Law Library Fund	1,347.50	
Principal Residence Denial Fund	30.00	638.20
Commission on Aging	85,679.46	51,603.81
Community Development Block Grant	17,598.00	
Department of Human Services	64,000.00	
Child Care - Probate Court	30,933.13	3,910.20
Veterans' Trust Fund	691.91	
Tax Payment Fund	7,152.96	
Inmate Store	1,444.43	
Three Rivers Community Center	1,653.74	884.70
Flexible Benefits Insurance Fund	151,943.36	
Total	\$ 1,109,625.91	\$ 169,511.18
Grand Total	\$ 1,391,696.26	\$ 746,474.52
General Fund Operating Expenditures		
Pre-Authorized	\$268,926.47	
Accounts Payable	13,143.88	
	\$ 282,070.35	
General Fund Payroll Expenditures	\$ 576,963.34	
Other Funds Operating Expenditures		
Pre-authorized	\$1,098,282.68	
Accounts Payable	11,343.23	
	\$ 1,109,625.91	
Other Funds Payroll Expenditures	\$ 169,511.18	
Total Recorded for the Month	\$ 2,138,170.78	

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

#### BUDGET WORK SESSION(S)

Vice-Chairman Dobberteen stated that because of 2 absences tonight that the budget work session(s) would not be scheduled until the next meeting.

#### CITIZENS COMMENTS

Holly Gregory, 18131 M-86, Three Rivers stated that Tracy Monroe is a good person and a good employee. She said that it would take less time to have employees give her their sick time than it would be to train a new employee. She asked that this matter be put on the next Board of Commissioners' agenda.

#### MISCELLANEOUS

Commissioner Pueschel asked that the Tracy Monroe issues be placed on the next agenda.

Commissioner Loudenslager asked the same thing.

ADJOURNMENT

It was moved by Commissioner Dunlap and supported by Commissioner Bordner that the St. Joseph County Board of Commissioners adjourn until October 16, 2007 at 5:00 p.m. Motion carried.

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Pattie S. Bender, County Clerk

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John L. Dobberteen, Vice-Chairman