

THE BENZIE COUNTY BOARD OF COMMISSIONERS
January 4, 2012

The Benzie County Board of Commissioners met in an organizational meeting on Tuesday, January 4, 2012, at 9:00 a.m. in the Commissioners Room, Government Center, Beulah, Michigan, 49617. The meeting was called to order by County Clerk Dawn Olney.

Present were: Commissioners Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse
Absent: Commissioners Damm

The pledge of allegiance was given with invocation by Commissioner Kelley.

ELECTION OF CHAIRMAN:

Comm Kelley nominated Comm Tanner as Chair.

Motion by Stobie, seconded by Walterhouse, to close nominations and cast a unanimous ballot for Donald Tanner as Chair. Ayes: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion carried.

Chairman Tanner says thank you to everyone and assumes the chair.

Agenda:

Motion by Roper, seconded by Walterhouse, to approve the agenda as amended, adding closed session with Attorney Haider Kazim at 9:30 a.m. Ayes: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion carried.

Minutes:

Motion by Walterhouse, seconded by Roper, to approve the regular session minutes of December 20, 2011 as presented. Ayes: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion carried.

Motion by Walterhouse, seconded by Halliday, to approve the special meeting minutes of December 27, 2011 as presented. Ayes: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion carried.

Motion by Halliday, seconded by Walterhouse, to approve the December 27, 2011 closed session minutes as presented. Ayes: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion carried.

9:06 a.m. Public Input

John Douglas Holmes, Frankfort, discusses Article 2, Sec. 6 of the Michigan Constitution and violations of same; asks about re-establishing of elected constabularies.

9:08 a.m. Public Input Closed

ELECTION OF VICE CHAIR:

Comm Halliday nominates Commissioner Frank Walterhouse.

Motion by Roper, seconded by Kelley, to close nominations and cast a unanimous ballot for Frank Walterhouse as vice chair. Ayes: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion carried.

Vice Chair Walterhouse says thank you to the board.

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ADOPTION OF MEETING DATES:

Motion by Walterhouse, seconded by Kelley, to adopt the meeting dates and times as presented.

Comm Stobie asks for evening meetings.

Comm Roper agrees that we need to have some quarterly night meetings.

Comm Halliday objects to night meetings; staff works all day; we are running out of steam; people conduct business during the day.

Motion by Walterhouse, seconded by Stobie, to amend to have January 17, April 3, July 17 and October 2 meetings begin at 6:00 p.m.

Vote on amendment: Ayes: Kelley, Roper, Stobie and Walterhouse Nays: Halliday and Tanner
Abs: Damm Motion carried.

Vote on original motion as amended: Ayes: Kelley, Roper, Stobie and Walterhouse Nays:
Halliday and Tanner Abs: Damm Motion carried.

Board Rules:

Changes: 1.2; 4.4; 5.11.

Motion by Walterhouse, seconded by Stobie, to approve the Board Rules as amended. Roll call.

Ayes: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm
Motion carried.

Committee Appointments:

Chairman Tanner asks all commissioners to continue serving on their current committees as is and report to the Chair and Vice Chair of any committee you wish to serve on or not.

Resolution 2012-001 – Depositories

Motion by Walterhouse, seconded by Roper, to adopt resolution 2012-001 as amended. Roll call.

Ayes: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm
Motion carried.

Resolution 2012-002 – ACH

Motion by Roper, seconded by Kelley, to adopt resolution 2012-002 as presented. Roll call. Ayes:
Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion
carried.

Resolution 2012-003 – Fair Housing

Motion by Roper, seconded by Kelley, to adopt resolution 2012-003 as presented. Roll call. Ayes:
Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion
carried.

Payment of Bills:

Motion by Roper, seconded by Walterhouse, to approve payment of the bills from December 22,
2011 to January 4, 2012 in the amount of \$289,562.69. Roll call. Ayes: Halliday, Kelley, Roper,
Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion carried.

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Motion by Kelley, seconded by Walterhouse, that whenever a voucher is turned in for payment, that they include receipts for mileage and meals. Roll call. Ayes: Halliday, Kelley, Stobie and Walterhouse Nays: Roper and Tanner Abs: Damm Motion carried.

Any Other Business to Come Before the Board:

Motion by Roper, seconded by Walterhouse, to approve the signing of the Memorandum of Understanding and Agreement for the Recreation Improvement Fund in the amount of \$10,000 for the Betsie Valley Trail maintenance/management as presented. Roll call. Ayes: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion carried.

Special Meeting with Peter Cohl scheduled for Friday, January 27, 2012 @ 10:00 a.m.

Comm Roper to review the opinion from Mr. Figura regarding the Bylaw Amendment for the Transportation Authority and report back.

Letter received from Mr. Figura regarding Cole vs Benzie County and trial scheduled for January 18 through 20, 2012.

DEPARTMENT HEADS

Terry Money, Drain Commissioner, discusses the dam at the Crystal Lake outlet and necessity for two more stop log lifts at the dam.

Motion by Roper, seconded by Walterhouse, to allow the Drain Commissioner to move forward with the installation of two additional stop log lifts at the Crystal Lake Dam. Roll call. Ayes: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion carried.

Ron Berns, 911 Central Dispatch, when he first came to Benzie County they noticed that the phone system was about 20 years old; AT&T bid at \$156,736 and IDNetworks bid at \$108,555; he asks the board to approve replacement of the 911 phone system with IDNetworks in the amount of \$108,555.00; the 911 Advisory Board has approved this as well; states that they have the funds in their budget to cover the cost; the company would agree to a payment of 50% now and 50% in the next budget cycle. Linda Wilson states that it was not budget for this year; they plan to use fund balance. She does foresee a problem at the end of the year if they use fund balance; they need to be sure and budget for it next year. They could take \$50,000 out of their contingency for half of it now and keep their fund balance.

Comm Kelley asks that it be set aside until next meeting and work with the County Treasurer and County Administrator to get a plan and budget to offer.

Comm Walterhouse states that the committee is asking to set a date to switch over to a true central dispatch authority. Chairman Tanner suggests a six month time frame.

10:17 a.m. PUBLIC INPUT

John Douglas Holmes discusses lack of access to the law library; it is the least hospitable library; the public needs access.

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10:20 a.m. Public Input Closed

Motion by Roper, seconded by Walterhouse, to enter closed session to consult with its attorney regarding trial or settlement strategy in connection with Baughman vs Benzie County et al in the US District Court for the Western District of Michigan, file no. 1:10-cv-747, to include attorney Haider Kazim; Chris Olson, County Administrator; Linda Wilson, County Treasurer and Sheriff Heckman, because discussing settlement strategy in open session would have a detrimental financial effect. Roll call. Ayes: Halliday, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm and Kelley Motion carried.

10:22 a.m. Recess to Closed Session

11:20 a.m. Re-Enter Open Session

Motion by Roper, seconded by Walterhouse, to approve the settlement agreement that was reached on January 3, 2012 in Grand Rapids and in closed session regarding 1:10-cv-747. Roll call. Ayes: Halliday, Kelley, Roper, Stobie, Tanner and Walterhouse Nays: None Abs: Damm Motion carried.

Comm Walterhouse brings the matter that Council on Aging would like to meet with this board – we need a couple of dates to talk with them; Chairman Tanner to talk with them for possible dates.

Comm Halliday discusses resolution regarding logging road – they agree; asks about interview committee regarding committees – a date will be determined and the committee will be notified. He also asked about the resolution regarding Road Commission Boards – need to read the legislation.

Motion by Roper, seconded by Stobie, to adjourn until January 17, 2012, or the call of the chair. Ayes: Halliday, Kelley, Roper, Stobie Tanner and Walterhouse Nays: None Abs: Damm Motion carried.

Donald R. Tanner -- Chairman

Dawn Olney – Benzie County Clerk

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1. Elected Donald Tanner as Chair.
2. Approved the agenda as amended, adding closed session.
3. Approved the regular session minutes of December 20, 2011 as presented.
4. Approved the special meeting minutes of December 27, 2011 as presented.
5. Approved the December 27, 2011 closed session minutes as presented.
6. Elected Frank Walterhouse as vice chair.
7. Adopted meeting dates as amended; being the 1st and 3rd Tuesdays at 9:00 a.m. except the following: January 17, April 3, July 17 and October 2 meetings begin at 6:00 p.m.
8. Adopted the Board Rules as amended.
9. Adopted resolution 2012-001 regarding Depositories as amended.

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10. Adopted resolution 2012-002 regarding ACH as presented.
11. Adopted resolution 2012-003 regarding Fair Housing as presented.
12. Approved payment of the bills in the amount of \$289,562.69.
13. Approved that whenever a voucher is turned in for payment, that they include receipts for mileage and meals.
14. Approved the signing of the Memorandum of Understanding and Agreement for the Recreation Improvement Fund in the amount of \$10,000 for the Betsie Valley Trail maintenance/management as presented.
15. Special Meeting with Peter Cohl scheduled for Friday, January 27, 2012 @ 10:00 a.m.
16. Authorized to allow the Drain Commissioner to move forward with the installation of two additional stop log lifts at the Crystal Lake Dam.
17. Entered closed session.
18. Approved the settlement agreement that was reached on January 3, 2012 in Grand Rapids and in closed session regarding 1:10-cv-747.