

**TUESDAY, JANUARY 20, 2015**

Pursuant to law, the Board of Commissioners met on Tuesday, January 20, 2015 at 9:00 a.m. in the Board of Commissioner's Room and were called to order by the Chairperson.

Pledge of Allegiance.

Invocation

Roll Call was taken by the Clerk:

PRESENT: Mark Bergstrom, Jeff Dontz, Karen Goodman, Ken Hilliard, Alan Marshall, Richard Schmidt, Brook Shafer

ABSENT: None

**APPROVE MEETING AGENDA**

Moved by Schmidt, seconded by Bergstrom to approve the Meeting Agenda with the addition of a presentation by Roger Elbers, Equalization Director concerning an Agreement with the Manistee County Equalization Department and the City of Manistee and also add Item C to the Miscellaneous Controller and Board Items to discuss the proposed new chairs for the Board Room.

Motion Carried

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**CONSENT AGENDA**

Moved by Bergstrom, seconded by Shafer to approve the Consent Agenda which includes the minutes of the December 16, 2014 Regular Board Meeting, the minutes of January 2, 2015 Organizational Meeting and the January 2015 monthly appropriations and fund transfers.

YEAS: 7 Bergstrom, Dontz, Goodman, Hilliard, Marshall, Schmidt, Shafer,

NAYS: 0 None

Motion Carried

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**TUESDAY, JANUARY 20, 2015**

**PUBLIC COMMENT**

None.

**RECOGNITION, ANNOUNCEMENTS & CORRESPONDENCE**

None.

**COUNTY TREASURER’S REPORT**

Russell Pomeroy, County Treasurer, reported that his office is continuing to work on audit field work. Mr. Pomeroy distributed an updated 2013/14 Year End Financial Summary that will be discussed during the Ways & Means Committee Report. The Show Cause hearing for foreclosures will be held January 28, 2015. This gives residents an opportunity to speak with Mr. Pomeroy concerning their taxes. A Worker’s Comp Audit is scheduled for January 29, 2015.

Mr. Pomeroy also distributed a letter from an attorney regarding notice of a Class Action Lawsuit which the County may be a putative member of the Defendant Class. The suit is seeking excess funds from state foreclosed properties. The class is not yet certified and Mr. Pomeroy said the suit is in the preliminary stages and he is hoping that the lawsuit will be dismissed in Federal Court. Mr. Pomeroy stated that the Michigan Association of County Treasurers would hire one attorney to defend all the counties if the case continues.

**AGREEMENT BETWEEN THE MANISTEE COUNTY EQUALIZATION DEPARTMENT AND THE CITY OF MANISTEE**

Roger Elbers, Equalization Department Director appeared before the Board to present a proposed agreement between the Manistee County Equalization Department and the City of Manistee concerning preparation of the City of Manistee 2015 Personal Property Assessment Roll with the assistance of the Manistee County Equalization Department. Mr. Elbers requested the Board approve the proposed agreement.

Moved by Shafer, seconded by Marshall to approve the Agreement between the Manistee County Equalization Department and the City of Manistee dated January 16, 2015.

YEAS: 7 Dontz, Goodman, Hilliard, Marshall, Schmidt, Shafer, Bergstrom

NAYS: 0 None

Motion Carried

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**STRONACH TOWNSHIP OFFICIALS APPEARED BEFORE THE BOARD**

Phil Vadeboncoeur, Stronach Township Supervisor appeared before the Board in reference to the closure of Kettle Hole Drain.

**TUESDAY, JANUARY 20, 2015**

**FINANCE COMMITTEE REPORT**

Board of Commissioners  
Manistee County  
Manistee, Michigan 49660

Board of Commissioners:

We do hereby submit our claims from December 3, 2014, through January 7, 2015:

General Fund:.....	\$242,657.53
Recycling Fund: .....	2,650.00
Maintenance of Effort Fund:.....	15,647.65
Capital Improvement Fund: .....	39,284.25
Remonumentation Fund:.....	2,200.00
Brownfield Site Assessment Grants: .....	51,598.13
Health Insurance Fund: .....	159,219.96
Manistee County Dive Equipment Fund: .....	33.00
Law Enforcement Training Fund:.....	1,005.72
Law Library Fund: .....	916.66
Housing Fund:.....	6.45
Community Corrections Fund: .....	231.57
Juvenile Intervention Fund: .....	1,128.38
Child Care Fund:.....	12,115.85
Veterans Trust Fund:.....	5,710.22
Airport Authority Fund: .....	30,207.93
Compensated Services Fund:.....	85,705.79
Tax Revolving – State Sales: .....	66,922.92
Trust & Agency Fund: .....	12,593.85

**Total Claimed and allowed January 20, 2015 .....\$729,835.86**

Total Payroll for the period of December 3, 2014, through January 7, 2015 ....\$715,955.75  
(Includes 3 payrolls)

Moved by Bergstrom, seconded by Shafer to approve and the same to be paid in the amount of \$ 729,835.86.

YEAS: 7 Goodman, Hilliard, Marshall, Schmidt, Shafer, Bergstrom, Dontz

NAYS: 0 None

Motion Carried

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**WAYS & MEANS COMMITTEE REPORT/JANUARY 7, 2015**

Mark Bergstrom presented the Ways & Means Committee Report of January 7, 2015.

**TUESDAY, JANUARY 20, 2015**

**PAYMENT OF UNUSED ACCUMULATED VACATION,**

**PERSONAL AND SICK HOURS**

Moved by Bergstrom, seconded by Schmidt to approve payment of unused accumulated vacation, personal and sick hours to the Honorable David Thompson in the amount of \$14,270.89; and the payment of unused accumulated vacation and personal hours to James Parrinello in the amount of \$4,926.98; to be paid from the Separation Fund.

YEAS: 7 Hilliard, Marshall, Schmidt, Shafer, Bergstrom, Dontz, Goodman

NAYS: 0 None

Motion Carried

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**LEASE AGREEMENT BETWEEN DISTRICT HEALTH DEPARTMENT #10**

**AND MANISTEE COUNTY FOR 2015**

Moved by Bergstrom, seconded by Schmidt to approve the lease agreement between Manistee County and District Health Department #10 for the building located at 385 Third Street, Manistee, commencing January 1, 2015 and terminating on December 31, 2015.

YEAS: 7 Marshall, Schmidt, Shafer, Bergstrom, Dontz, Goodman, Hilliard

NAYS: 0 None

Motion Carried

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**FY 2015/16 BUDGET CALANDAR**

**COUNTY OF MANISTEE  
2015/16 BUDGET CALENDAR  
10/1/15 through 9/30/16**

April 13, 2015  
April 13, 2015

Budget packets distributed to all Departments and Courts.  
Budget request forms sent to all appropriated agencies.

**TUESDAY, JANUARY 20, 2015**

- May 8, 2015 Completed budget request forms due in the County Controller/Administrator’s Office.
- May 8, 2015 - June 5, 2015 Tentative budget recommendations prepared by the County Controller/Administrator’s Office.
- June 8, 2015 - June 30, 2015 County Board of Commissioners hold several Study Sessions on Tentative Budget
- July 1, 2015 - July 20, 2015 Department/Court/Agency review of recommendations Budget hearings take place with the full Board. Tentative adjustments, if necessary, are made to the recommended tentative budget.
- July 21, 2015 County Board of Commissioners adopt a tentative budget.
- July 22, 2015 - August 17, 2015 County Board reviews financial statements of entities receiving special millages
- July 22, 2015 - August 17, 2015 Tentative budget available for public review, additional budget hearings with the full Board are held, if necessary.
- August 18, 2015 Public Hearing on the 2015/16 budget held during the County Board Meeting. Board adopts final 2015/16 budget and General Appropriations Act resolution.

Moved by Bergstrom, seconded by Shafer to accept the above FY 2015/16 budget calendar, as presented.

YEAS: 7 Schmidt, Shafer, Bergstrom, Dontz, Goodman, Hilliard, Marshall  
 NAYS: 0 None

Motion Carried

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**DISSEMINATION AGENT FOR MANISTEE COUNTY**

Moved by Bergstrom, seconded by Schmidt to accept the proposal from Bendzinski and Company to act as Dissemination Agent to Manistee County at a cost of \$1,000 per year for a five (5) year period, commencing with the fiscal year ending after September 30, 2014, through September 30, 2018. These services will be provided in connection with the issuance of the County’s 2006 Building Authority Refunding Bonds issued in the amount of \$1,935,000.

YEAS: 7 Shafer, Bergstrom, Dontz, Goodman, Hilliard, Marshall, Schmidt  
 NAYS: 0 None

**TUESDAY, JANUARY 20, 2015**

Motion Carried

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**RESOLUTION DECLARING THE COUNTY'S INTENT TO ISSUE LIMITED  
TAX OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF  
NOT TO EXCEED \$1,500,000 TO FINANCE COSTS OF THE MAIN LIBRARY  
RENOVATION PROJECT**

#2015 - 4

**RESOLUTION DECLARING THE COUNTY'S INTENT TO ISSUE LIMITED  
TAX OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF  
NOT TO EXCEED \$1,500,000 TO FINANCE COSTS OF THE MAIN LIBRARY  
RENOVATION PROJECT.**

At a regular meeting of the Manistee County Board of Commissioners held in the Manistee County Courthouse & Government Center, 415 Third Street, Manistee, Michigan, on the 20<sup>th</sup> day of January, 2015.

PRESENT: Bergstrom, Dontz, Goodman, Hilliard, Marshall, Schmidt, Shafer

ABSENT: None

The following resolution was offered by Bergstrom and seconded by Schmidt:

**WHEREAS**, the County of Manistee (the "County") proposes to issue its tax-exempt bonds (the "Bonds") to finance all or part of the cost of acquiring, constructing and installing improvements to the facilities of the Main Manistee County Library located at 95 Maple Street, Manistee, Michigan, including but not limited to heating and cooling, ventilation, fire alarm, lighting and electrical system improvements; energy efficiency improvements; and other building renovation upgrades and improvements (the "Project"); and

**WHEREAS**, it is anticipated that the County may advance all or a portion of the costs of the Project prior to the issuance of the Bonds, such advance to be repaid from proceeds of the Bonds upon the issuance thereof; and

**WHEREAS**, Section 1.150-2 of the Treasury Regulations on Income Tax (the "Reimbursement Regulations") specifies conditions under which a reimbursement allocation may be treated as an expenditure of bond proceeds, and the County intends by this resolution to qualify amounts advanced by the County to the Project for reimbursement from proceeds of the Bonds in accordance with the requirements of the Reimbursement Regulations.

**BE IT RESOLVED** by the Board of Commissioners of the County, as follows:

1. The County hereby declares its official intent to issue its limited tax general obligation bonds in the aggregate principal amount of not to exceed \$1,500,000 to finance the costs of the Project. The County hereby declares that it reasonably expects to seek reimbursement for its advances to the Project as anticipated by this resolution. The bonds shall be authorized by proper proceedings subsequent to this resolution.

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2. The County Clerk is hereby instructed to publish the notice attached hereto once a newspaper of general circulation in the County, which notice shall not be less than page in size in such newspaper.

3. Bendzinski & Co. and Dickinson Wright PLLC are hereby appointed to serve as financial advisor and bond counsel, respectively, to the County in connection with the County's issuance of the bonds.

4. All resolutions and parts of resolutions insofar as they may be in conflict herewith are hereby rescinded.

Moved by Bergstrom, seconded by Schmidt to adopt the above Resolution Declaring the County's Initial Intent to Issue Its Limited Tax General Obligation Bonds on the Aggregate Principle Amount Not to Exceed \$1,500,000 to Finance the Cost of the Main Library Renovation Project.

YEAS: 7 Bergstrom, Dontz, Goodman, Hilliard, Marshall, Schmidt, Shafer  
NAYS: 0 None

Motion Carried

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**REGISTERED MUNICIPAL FINANCIAL ADVISOR**  
**FOR THE ISSUANCE OF A BOND ISSUE**

Moved by Bergstrom, seconded by Shafer to enter into an agreement with Bendzinski and Company which acknowledges a fee in the amount of \$12,500 to serve as Manistee County's registered financial advisor for the issuance of a bond issue in the amount not to exceed \$1,500,000 for the Library renovation project.

YEAS: 7 Dontz, Goodman, Hilliard, Marshall, Schmidt, Shafer, Bergstrom  
NAYS: 0 None

Motion Carried

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**TUESDAY, JANUARY 20, 2015**

**DEPARTMENT CONTINGENCY FUND TRANSFERS**

Moved by Bergstrom, seconded by Schmidt to approve the Department Contingency Fund transfers (an updated 2013/14 Year End Financial Summary was distributed by Mr. Pomeroy at the meeting) and authorize the necessary budget amendments to close the 2013/14 fiscal year.

YEAS: 7 Goodman, Hilliard, Marshall, Schmidt, Shafer, Bergstrom, Dontz  
NAYS: 0 None

Motion Carried

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Moved by Schmidt, seconded by Bergstrom to accept the Ways & Means Committee Report of January 7, 2015.

Motion Carried

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**MANISTEE COUNTY TRANSPORTATION RESOLUTION OF INTENT**

**RESOLUTION OF INTENT**

**THE APPROVED RESOLUTION OF INTENT TO APPLY FOR FINANCIAL ASSISTANCE FOR FISCAL YEAR 2016 UNDER ACT 51 OF THE PUBLIC ACTS OF 1951, AS AMENDED**

**WHEREAS**, pursuant to Act 51 of the Public Acts of 1951, as amended (Act 51), it is necessary for Manistee County Transportation, Inc. (MCTI) established under Act 51, to provide a local transportation program for the state fiscal year of 2016 and, therefore, apply for state financial assistance under provisions of Act 51; and

**WHEREAS**, it is necessary for Manistee County to name an official representative for all public transportation matters, who is authorized to provide such information as deemed necessary by the Commission or department for its administration of Act 51; and

**WHEREAS**, it is necessary to certify that no changes in eligibility documentation have occurred during the past state fiscal year; and

**WHEREAS**, the Board of Directors has reviewed and approved the proposed budget and funding sources for 2016 of:

Estimated Federal Funds	\$ 337,280
Estimated State Funds	\$ 766,047
Estimated Local Funds	\$ 441,673
Estimated Farebox	\$ 550,000
Estimated Other Funds	\$ 13,000
Estimated Total Expenses	\$2,108,000

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**NOW THEREFORE**, be it resolved that Manistee County does hereby make its intentions known to provide public transportation services and to apply for state financial assistance with this annual plan, in accordance with Act 51; and

**HEREBY**, appoints Richard Strevey as the Transportation Coordinator, for all public transportation matters, who is authorized to provide such information as deemed necessary by the Commission or department for its administration of Act 51 for 2016.

Moved by Bergstrom, seconded by Dontz to approve the above Resolution of Intent to Apply for State Financial Assistance for Fiscal Year 2016 under Act 51 of the Public Acts of 1951, as amended.

YEAS:        7        Hilliard, Marshall, Schmidt, Shafer, Bergstrom, Dontz, Goodman  
NAYS:        0        None

Motion Carried

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**DRAFT MANISTEE COUNTY HAZARD MITIGATION PLAN**

Ken Falk, Emergency Management Coordinator and Michael P. Woods, AICP Regional Planner for Networks Northwest appeared before the Board to provide an informational presentation on the draft Manistee County Hazard Mitigation Plan.

**OVERVIEW OF PLANNING DOCUMENTS FOR THE ALLIANCE FOR  
ECONOMIC SUCCESS (AES)**

Tamara Buswinka, Community Development Director, and Betsy Evans, Business Development Director appeared before the Board to provide a PowerPoint overview of the Strategic Planning documents recently adopted by the Alliance for Economic Success Board of Directors.

**CONTRACT BETWEEN MANISTEE COUNTY, THE CITY OF MANISTEE  
AND THE ALLIANCE FOR ECONOMIC SUCCESS (AES)**

Moved by Bergstrom, seconded by Dontz to approve a three (3) year contract between Manistee County, the City of Manistee and the Alliance for Economic Success (AES) pending approval from the City of Manistee: and authorize Mr. Kaminski the authority to finalize the details of the contract.

**TUESDAY, JANUARY 20, 2015**

YEAS: 7 Marshall, Schmidt, Shafer, Bergstrom, Dontz, Goodman, Hilliard

NAYS: 0 None

Motion Carried

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**TECHNOLOGY/INFORMATION COMMITTEE REPORT/**

**JANUARY 14, 2015**

Richard Schmidt presented the Technology/Information Committee Report of January 14, 2015.

**COURTHOUSE TECHNOLOGY**

Moved by Schmidt, seconded by Bergstrom to enter into a three (3) year enterprise agreement with Microsoft to purchase the following items from HP (quote #2961m) not to exceed \$36,190.37:

Office 365	\$21,754.95
Microsoft CoreCAL	\$ 2,515.80
Windows Server Standard and Enterprise	\$ 8,330.82
Microsoft Windows Enterprise	<u>\$ 3,588.80</u>
TOTAL	\$36,190.37

YEAS: 7 Schmidt, Shafer, Bergstrom, Dontz, Goodman, Hilliard, Marshall

NAYS: 0 None

Motion Carried

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Items Not Requiring Board Action.

Department Heads will be contacted concerning the rotation replacement of computers in various offices and the results will be reported at a future meeting.

Moved by Schmidt, seconded by Bergstrom to accept the Technology/Information

Committee Report of January 14, 2015.

Motion Carried

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TUESDAY, JANUARY 20, 2015

TELEPHONE CONFERENCE WITH LEGAL COUNSEL FOR THE PURPOSE  
OF DISCUSSIONG PENDING LITIGATION REGARDING THE  
LYNNE MIKOLAJCZAK V 19<sup>TH</sup> JUDICIAL CIRCUIT COURT

MOTION TO ENTER INTO CLOSED SESSION

Moved by Schmidt, seconded by Marshall to enter into Closed Session for the purpose of a telephone conference with legal counsel for the purpose of discussing pending litigation regarding the Lynne Mikolajczak v 19<sup>th</sup> Circuit Court pursuant to Section 8(e) of Michigan Open Meetings Act. Tom Kaminski, County Administrator/Controller; Lisa Sagala, Personnel Officer/Administrative Assistant; and Jill Nowak, County Clerk, are granted permission to remain in the room to participate in the closed session discussion.

YEAS: 7 Shafer, Bergstrom, Dontz, Goodman, Hilliard, Marshall, Schmidt  
NAYS: 0 None

Motion Carried

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(Entered into closed session)

RETURN TO OPEN SESSION

Moved by Schmidt, seconded by Bergstrom to return to Open Session of the County Board of Commissioners.

YEAS: 7 Bergstrom, Dontz, Goodman, Hilliard, Marshall, Schmidt, Shafer  
NAYS: 0 None

Motion Carried

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(Returned to Open Session of the Manistee County Board of Commissioners)

**TUESDAY, JANUARY 20, 2015**

**CONCURRENCE WITH LEGAL COUNSEL AND AUTHORIZE LEGAL  
COUNSEL TO PROCEED WITH RECOMMENDATION**

Moved by Schmidt, seconded by Schafer to concur with legal counsel and authorize legal counsel to proceed with recommendation in the Lynne Mikolajczak v 19<sup>th</sup> Circuit Court litigation.

YEAS: 7 Dontz, Goodman, Hilliard, Marshall, Schmidt, Shafer, Bergstrom  
NAYS: 0 None

Motion Carried

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**PERSONNEL COMMITTEE REPORT/JANUARY 7, 2015**

Ken Hilliard presented the Personnel Committee Report of January 7, 2015.

**FLEXIBLE SPENDING ACCOUNT CHANGE**

Moved by Bergstrom, seconded by Shafer to allow County Administration to sign the document amending a Flexible Spending Account to allow employees to carryover up to \$500 in a plan year, retroactive to January 1, 2014.

YEAS: 7 Goodman, Hilliard, Marshall, Schmidt, Shafer, Bergstrom, Dontz  
NAYS: 0 None

Motion Carried

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Moved by Dontz, seconded by Bergstrom to accept the Personnel Committee Report of January 7, 2015.

Motion Carried

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**PUBLIC SAFETY COMMITTEE REPORT/JANUARY 7, 2015**

Ken Hilliard presented the Public Safety Committee Report of January 7, 2015.

**TUESDAY, JANUARY 20, 2015**

**COUNTY POLICY ON REIMBURSEMENT FOR COUNTY PRISONER**

**MEDICAL EXPENSES**

#2015 - 3

**RESOLUTION ADOPTING COUNTY POLICY ON REIMBURSEMENT FOR COUNTY PRISONER MEDICAL EXPENSES**

At a regular meeting of the Manistee County Board of Commissioners held in the Manistee County Courthouse & Government Center, 415 Third Street, Manistee, Michigan, on the 20<sup>th</sup> day of January, 2015.

PRESENT: Bergstrom, Dontz, Goodman, Hilliard, Marshall, Schmidt, Shafer

ABSENT: None

The following resolution was offered by Schmidt and seconded by Dontz:

**WHEREAS**, the Manistee County Board of Commissioners does hereby find as follows:

**WHEREAS**, MCL 801.5a authorizes a County Board of Commissioners to seek reimbursement for expenses incurred in providing medical care and treatment to prisoners housed in a county jail, and;

**WHEREAS**, the Manistee County Board of Commissioners is desirous of adopting such a policy pursuant to Statute, and;

**WHEREAS**, Manistee County Sheriff Dale Kowalkowski has requested that the Board consider the adoption of such a policy, thereby reducing expenses at the Manistee County Jail, and requiring county jail prisoners to bear responsibility for a portion of their healthcare costs while incarcerated;

**NOW THEREFORE, IT IS HEREBY RESOLVED** by the Manistee County Board of Commissioners that they allow for the reimbursement of medical expenses from county jail prisoners, consistent with MCL 801.5a.

Moved by Schmidt, seconded by Dontz, to adopt the above Resolution #2015-3 County Policy on Reimbursement for County Prisoner Medical Expenses.

YEAS: 7 Hilliard, Marshall, Schmidt, Shafer, Bergstrom, Dontz, Goodman

NAYS: 0 None

Motion Carried

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Moved by Dontz, seconded by Schmidt to accept the Public Safety Committee Report of January 7, 2015.

**TUESDAY, JANUARY 20, 2015**

Motion Carried

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**REGIONAL SUMMIT COMMITTEE REPORT/JANUARY 9, 2015**

Karen Goodman presented the Regional Summit Committee Report of January 9, 2015.

No Action Items.

Items Not Requiring Action.

Planning for the 12<sup>th</sup> Regional Summit has begun with possible dates, locations and topics.

Moved by Bergstrom, seconded by Shafer to accept the Regional Summit Committee Report of January 9, 2015.

Motion Carried

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**MISCELLANEOUS CONTROLLER AND BOARD ITEMS**

**ROOM USE FOR OPEN DOOR ASSESSMENTS, LLC.**

Moved by Dontz, seconded by Bergstrom to allow Open Door Assessments, LLC. To continue using the Commissioners Room meeting space for the provision of an Alcohol Highway Safety Education and Victim Impact Panel Program offered by Manistee County for six (6) Saturdays during the 2015 calendar year.

Motion Carried

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**MICHIGAN ASSOCIATION OF COUNTIES LEGISLATIVE CONFERENCE**

Mr. Kaminski gathered the names of Commissioners who are interested in attending the Michigan Association of Counties Legislative Conference, which will be held in Lansing on March 30, 2015 through April 1, 2015.

**TUESDAY, JANUARY 20, 2015**

**NEW CHAIRS FOR THE COUNTY BOARD ROOM**

Moved by Bergstrom, seconded by Schmidt to purchase ten (10) chairs for the County Board Room from Jackpine Business Center not to exceed a cost of \$325 per chair; to be paid from the County Commissioner Contingency Surplus Fund.

YEAS:       6       Schmidt, Shafer, Bergstrom, Dontz, Goodman, Hilliard

NAYS:       1       Marshall

Motion Carried

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Adjourn at the Call of the Chair.

\_\_\_\_\_ Clerk