

TUSCOLA COUNTY BOARD OF COMMISSIONERS  
December 14, 2017 Minutes  
H. H. Purdy Building

Commissioner Thomas Bardwell called the meeting of the Board of Commissioners of the County of Tuscola, Michigan, held at the H.H. Purdy Building in the City of Caro, Michigan, on the 14th day of December 2017, to order at 8:05 o'clock a.m. local time.

Prayer – Pastor Jon Terry, Living Waters Chapel, Caro

Pledge of Allegiance – Commissioner Kirkpatrick

Roll Call – Clerk Fetting

Commissioners Present: District 1 - Thomas Young, District 2 – Thomas Bardwell, District 3 - Kim Vaughan, District 4 - Craig Kirkpatrick, District 5 – Matthew Bierlein

Commissioner Absent: None

Also Present: Mike Hoagland, Clerk Jodi Fetting, Pastor Jon Terry, Register John Bishop, Tim Wingert, Harry Kashat, Clayton Johnson, Bridget Palmateer, Tisha Jones, Caryn Michalak, Tracy Violet, Eean Lee, Renee Francisco, Clayette Zechmeister, Shelly Lutz

*Adoption of Agenda -*  
17-M-207

Motion by Kirkpatrick, seconded by Young to adopt the agenda as amended.  
Motion Carried.

*Action on Previous Meeting Minutes -*  
17-M-208

Motion by Bierlein, seconded by Young to adopt the meeting minutes from the November 20, 2017 meeting. Motion Carried.

*Brief Public Comment Period for Agenda Items Only -*

-Tim Wingert, Wingert's Food Center, has spoken to 14 local retailers that sell beer, wine and spirits with those surveyed in favor of having Sunday liquor sales. The estimated loss of revenue for Wingert's in a one-year period could be up to \$30,000.

-Bridget Palmateer, Fostoria Grocery, explained that customers have expressed an interested in purchasing liquor on Sundays. She has had customers leave their cart at her store due to the ban on Sundays sales to drive the 2 miles to Lapeer County to purchase the liquor and then also purchase their other items. She employs Tuscola County residents.

-Harry Kashat, Lucky's Party Store, would also like to see Sunday liquor sales allowed.

*Consent Agenda Resolution -*  
17-M-209

Motion by Bierlein, seconded by Kirkpatrick that the following Consent Agenda Resolution from the December 11, 2017 Committee of the Whole Meeting be adopted. Motion Carried.

## **CONSENT AGENDA**

- Agenda Reference:** A
- Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17
- Description of Matter:** Move that per the recommendation of the Court Administrator and Chief Judge that the In-Home Parenting Independent Contractor agreements with Heather M. Jensen and Janice Burgess be extended until March 31, 2018 (expire on December 31, 2017). Also, the Board Chair be authorized to sign said contracts.
- Agenda Reference:** B (*rescinded 1/25/18 by motion 18-M-012*)
- Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17
- Description of Matter:** Move that an initial fee of \$1,000 be set for applications submitted to the Airport Zoning Board of Appeals. Also, for each additional wind turbine, tower, antenna or other structure a fee of \$500 be established for each additional structure. Said fees to take immediate effect.
- Agenda Reference:** C
- Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17
- Description of Matter:** Move that the Airport Zoning Administrator 2017 Annual Report be received and placed on file.
- Agenda Reference:** D
- Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17
- Description of Matter:** Move that the 2018 Sheriff Department Police Services Contract with Millington Township be approved and all appropriate signatures are authorized.

- Agenda Reference:** E
- Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17
- Description of Matter:** Move that the 2018 Sheriff Department Police Services Contract with Arbel Township be approved and all appropriate signatures are authorized.
- Agenda Reference:** F
- Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17
- Description of Matter:** Move that per request from the Medical Care Facility Director that \$83,208 be transferred from the Voted Medical Care Facility to the Regular Medical Care Facility for the items listed in the October 25, 2017 letter.
- Agenda Reference:** G
- Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17
- Description of Matter:** Move that the 2018 Michigan State University Agreement to provide Extension Services to Tuscola County be approved and all appropriate signatures are authorized.
- Agenda Reference:** H
- Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17
- Description of Matter:** Move that per the December 4, 2017 correspondence from the Human Development that the number of Tuscola County government representatives has to be reduced from 2 to 1 therefore, effective January 1, 2018 Commissioner Bierlein remain as the county government representative and Jerry Peterson county representative position be discontinued.
- Agenda Reference:** I
- Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17
- Description of Matter:** Move that the county hiring freeze be lifted and authorization is given to fill a vacant part-time position at the recycling operation.

**Agenda Reference:** J

**Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17

**Description of Matter:** Move to rescind the previous Board motion appointing Cindy Kapa as a public representative to the County Parks and Recreation Commissioner but continue her appointment to the County and Recreation Commission as a liaison representative from the County Planning Commission.

**Agenda Reference:** K

**Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17

**Description of Matter:** Move that per the December 8, 2017 letter of request from the Sheriff Department that authorization is given to increase part-time employees pay from straight time to one and one-half pay when working in the county jail on the following holidays: New Year’s Day, Memorial Day, Independence Day, Thanksgiving Day, Christmas Eve, Christmas Day and Labor Day.

**Agenda Reference:** L

**Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17

**Description of Matter:** Move the following fees be established for Vanderbilt Park effective January 1, 2018. Also, the County Buildings and Grounds Director notify the park attendant of these rate changes.

VANDERBILT PARK

2018 CAMPING RATES

RUSTIC – No Water or Electric

- \$15 per night
- \$90 per week
- \$270 per month
- \$825 per season

ELECTRIC SERVICE

- \$20 per night
- \$120 per week
- \$360 per month
- \$1,250 per season

ELECTRIC AND WATER SERVICE

\$24 per night  
\$144 per week  
\$432 per month  
\$1,500 per season

PAVILION RENTAL

\$75 Rental Charge  
\$25 Deposit to Reserve (With No Refunds on Holiday or Weekend Rentals)

**Agenda Reference:** M

**Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17

**Description of Matter:** Move that the Agreement with Lamar to advertise recycling programs on billboards in the county using grant funds be approved and all appropriate signatures are authorized.

**Agenda Reference:** N

**Entity Proposing:** COMMITTEE OF THE WHOLE 12/11/17

**Description of Matter:** Move that per the November 28, 2017 letter of request that Right to Life be authorized to use the Courthouse Lawn for a service on January 21, 2018 at 3:00 P.M.

*New Business -*

-Sunday Liquor Sales Alternatives -

Clayton Johnson explained the options available to the Board regarding Sunday liquor sales which include continuing the Sunday liquor ban as is or rescinding the previous board action that placed the Sunday liquor ban into effect. Board discussed the options at hand.

Commissioner Kirkpatrick is concerned that a potential lawsuit could be filed and the cost that could be associated with it.

Clerk Fetting advised if placed on the May 2018 ballot the county cost could be \$30,000 to \$40,000 without considering the costs to the locals.

Commissioner Bardwell has spoken to local law enforcement regarding the topic.

Commissioner Vaughan has talked to residents at local Township meetings and the response was favorable to rescind the board motion.

Commissioner Bierlein looks at the loss of business for Tuscola County businesses by maintaining the ban.

Clayton Johnson advised that the required number of signatures for a petition drive is 8% of the votes cast for Secretary of State to place the question of liquor sales on a ballot.

Commissioner Young asked if a public hearing could be held.

Board discussed option of the Public Hearing. Matter discussed.

#### 17-M-210

Motion by Bierlein, seconded by Vaughan that now therefore it be resolved that the previous resolution of the Tuscola County Board of Commissioners to prohibit the sale of spirits and mixed drinks for consumption off the premises between the hours of 7:00 a.m. on Sunday and 2:00 a.m. on Monday in a retail establishment licensed under the Michigan liquor control code of 1998 within the County of Tuscola under the provisions of the law governing the sale of spirits and mixed drink for consumption is hereby rescinded; and be it further resolved that the previous resolution of the Tuscola County Board of Commissioners to prohibit the sale of beer and wine within the County of Tuscola for consumption off the premises between the hours of 7:00 a.m. and 12 noon on Sunday is also hereby rescinded.

Roll Call Vote - Young - No; Vaughan - Yes; Kirkpatrick - No; Bierlein - Yes; Bardwell - No. Motion Failed.

Recessed at 9:26 a.m.

Reconvened at 9:33 a.m.

#### -Public Hearing 2018 County Budget -

Board meeting recessed at 9:34 a.m. for 2018 County Budget Public Hearing. Board meeting reconvened at 10:08 a.m. from the 2018 County Budget Public Hearing.

#### 17-M-211

Motion by Bierlein, seconded by Kirkpatrick that the 2018 General Appropriations Act adopting the 2018 County Budget and incorporating the following final changes be approved:

- Reduced elections revenue budget by \$38,000 and expenditure budget by \$86,850 for a net gain of \$48,850. Anticipated special election to elect a new state senator was not required.
- Increased Register of Deeds overtime account by \$50 and training by \$300.
- Increased County Clerk budget by \$7,020 for Kofile imaging software which was previously agreed to be done.
- Increase Courthouse Security Budget by \$50 for supplies and \$11,000 for overtime which was overlooked when the initial budget was prepared.

- Increased Controller budget by \$9,831 for previously agreed wage change for Chief Accountant position.
- Increased Unified Court general fund budget by \$1,368 and child care fund budget by \$3,194 for previously agreed to wage schedule change for Circuit Court Administrator position.
- Increased Road Patrol Fund budget by \$400 for impounding expense, \$250 for telephone expense and \$500 for equipment rental.
- Approved funding for preservation of surveying documents at a cost of \$981 to be funded from the special programs activity budget without increasing the overall budget.
- Increased wages and step schedules for six essential court employees above the base 2% as requested by Chief Judge to help reduce turnover of critical court employees. Also, increase court revenue by \$14,000 to offset wage costs increases. These wage changes as summarized below:
  - Increase the top step for District Court clerks from \$16.49 per hour to \$17.30 per hour (effects one employee in 2018) – estimated 2018 cost \$1,580.
  - Promote and reclassify an employee from the title of Magistrate Clerk to Warrant Clerk (effects one employee) – estimated 2018 cost \$2,945.
  - Provide an additional 3% increase above the 2% base increase for the Assignment Clerk (effects one employee) – estimated 2018 cost \$1,364.
  - Provide an additional 3% increase above the 2% base increase for two Court Recorders (effects two employees) – estimated 2018 cost \$2,728.
  - Establish a new wage/step schedule for the Deputy Friend of the Court with seven step (As detailed in the December 5, 2017 email from the Chief Judge (effects one employee) – estimated 2018 cost \$1,640.
- Add \$30,000 to the capital improvement fund budget for new office windows in the administrative office areas of the jail.

Motion Carried.

Recessed at 10:14 a.m.

Reconvened at 10:24 a.m.

-Closed Session – Labor Negotiations -  
17-M-212

Motion by Young, seconded by Bierlein that the Board meet in Closed Session under Section 8(2) of the Open Meetings Act to discuss labor negotiations with Shelly Lutz to be allowed to attend the closed session at 10:26 a.m. Roll Call Vote: Vaughan - Yes; Kirkpatrick - Yes; Bierlein - Yes; Young - Yes; Bardwell - Yes. Motion Carried.

Board resumed from closed session at 10:28 a.m.

## 17-M-213

Motion by Young, seconded by Bierlein that the Board meet in Closed Session under Section 8(2) of the Open Meetings Act to discuss labor negotiations with Shelly Lutz and Bob Kendrick to be allowed to attend the closed session at 10:28 a.m. Roll Call Vote: Kirkpatrick - Yes; Bierlein - Yes; Young - Yes; Vaughan - Yes; Bardwell - Yes. Motion Carried.

Reconvened from closed session at 11:04 a.m.

## 17-M-214

Motion by Bierlein, seconded by Kirkpatrick that the following 2018 - 2019 two-year union contracts be ratified per the negotiated terms for the six respective bargaining groups as explained by the county labor attorney:

- AFSCME Deputies
- AFSCME General
- POAM Corrections
- POAM Deputies
- POAM Dispatch
- POLC Command

Motion Carried.

-Potential 2018 Board of Commissioners Meeting Schedule -

Board reviewed proposed schedule for 2018 meetings. The March 26th Committee of the Whole meeting was removed due to a conflict with a MAC Meeting.

## 17-M-215

Motion by Bierlein, seconded by Kirkpatrick that the 2018 Board of Commissioners committee and full board meeting schedule as presented at the December 14, 2017 Board of Commissioners meeting be approved and posted in all normal locations for public access. Motion Carried.

-Debit Card Policy Proposed Amendment -

Clayette Zechmeister reviewed the proposed changes in the Debit Card policy that are being requested.

## 17-M-216

Motion by Kirkpatrick, seconded by Young that per the recommendation of the Chief Accountant that the County Debit Card Policy be amended per changes identified at the December 14, 2017 Board of Commissioners meeting which stipulate original receipts, not copies, must be provided. Also, vendor generated invoices and contractual payments for services cannot be paid with debit cards. This policy change is effective January 1, 2018. Motion Carried.



-Travel/Meal Policy Proposed Amendment -  
17-M-217

Motion by Kirkpatrick, seconded by Bierlein that per the recommendations of the Chief Accountant that the County travel meal policy be amended as presented at the December 14, 2017 Board of Commissioners meeting to update standard allowed meal rates and identify meal rates for certain metropolitans that are higher than standard rates. Meal rates have not be updated for approximately seven years. This policy change is effective January 1, 2018. Motion Carried.

Board would like to have further information provided regarding out of state travel per diems. Matter to be placed on a future agenda. Board also discussed the 60 mile lodging rule.

-Board and Commissions Policy -  
17-M-218

Motion by Bierlein, seconded by Kirkpatrick that the Boards and Commissions Appointment Policy be amended to add the following statement:

The County Clerk shall annually place a notice in the local newspaper and on the county web page identifying board and commission member terms that are expiring in the upcoming year and procedures for any interested parties who want to apply for said vacancies.

Motion Carried.

-2017 Year-End Financial Adjustments -

Clayette Zechmeister explained the various requested budget adjustments necessary.

The Legal Fees and Medical Examiner are the two Departments in the General Fund projected to be over budget at year end.

17-M-219

Motion by Kirkpatrick, seconded by Young that the 2017 general fund activity budgets be amended as shown in the December 14, 2017 report titled "Year-End Compliance with the Uniform Budgeting and Accounting Act" to prevent actual year-end expenditures from exceeding budget. Motion Carried.

The Special Revenue Funds that need adjusted are CDBG, Principal Residence, Voted Bridge, Work Comp Fund, Park and Recreation, Health Department, Local Correction Officer Training, Medical Care Debt, GIS and Capital Improvements.

17-M-220

Motion by Bierlein, seconded by Kirkpatrick that the 2017 special revenue fund budgets be amended as shown in the December 14, 2017 report titled "Year-End Compliance with the Uniform Budgeting and Accounting Act" to prevent actual year-end expenditures from exceeding budget. Motion Carried.

## 17-M-221

Motion by Bierlein, seconded by Kirkpatrick that as explained in the December 14, 2017 report titled "Year-End Compliance with the Uniform Budgeting and Accounting Act" that authorization is given to transfer \$713,000 in estimated delinquent tax fund net income to the general fund. Motion Carried.

## 17-M-222

Motion by Kirkpatrick, seconded by Young to authorize staff after consultation with the county auditors to conduct further year-end financial transactions and make other adjustments as necessary to gain compliance with the Uniform Budgeting and Accounting Act. Motion Carried.

-Potential Lawsuit Against Companies that Manufacture Addictive Pain Medicines - Commissioner Bierlein stated Michigan Association of Counties (MAC) is conducting research to determine which law firm would be best to contract with.

Clerk Fetting told the Board she has been informed that Delta County and Leelanau County are going to join the lawsuit.

Board did not take action to join at this point.

-Airport Zoning Board of Appeals

Commissioner Vaughan spoke to William Campbell and he is no longer interested in serving on this Board.

## 17-M-223

Motion by Vaughan, seconded by Bierlein that because former Airport Zoning Board of Appeals member, William Campbell, has explained he no longer wishes to serve, the County Clerk be requested to advertise in the local newspaper and on the County Web page for interested individuals to serve on this appeals board. Motion Carried.

-Primary Road and Bridge Millage Transfer Requests

## 17-M-224

Motion by Bierlein, seconded by Kirkpatrick to approve the Primary Road Millage transfer request of \$1,020,605.52 as identified by Voucher #03-17 dated December 13, 2017 for transfer from the Primary Road Millage Fund to the Road Commission General Fund. Motion Carried.

## 17-M-225

Motion by Young, seconded by Bierlein to approve the Local Bridge Millage transfer request of \$355,544.75 as identified by Voucher #03-17 dated December 12, 2017 for transfer from the Local Bridge Millage Fund to the Road Commission General Fund. Motion Carried.

-2018 Committee Assignments -

- MEMS All Hazards will be transferred from Commissioner Kirkpatrick to Commissioner Bierlein beginning January 1, 2018.
- Finance Co-Chair Kirkpatrick would like Commissioner Young to begin shadowing him in the year 2018.
- Personnel Chair position will continue to be assigned to Commissioner Bardwell.
- Buildings and Grounds Co-Chair positions will continue to be assigned to Commissioner Young and Commissioner Vaughan.

-Vacation Request from Controller/Administrator -

- Commissioner Bardwell stated Mike Hoagland had requested additional vacation time be awarded to him due to his extended years of service. Board discussed matter.

17-M-226

Motion by Bierlein, seconded by Young that because of his extended years of service to Tuscola County, 10 additional vacation days be provided to the County Controller/Administrator retroactively to June 2, 2017 for a total of 30 vacation for the period of June 2, 2017 thru June 1, 2018. On June 2nd of each subsequent year of employment, a total of 30 vacation days shall be awarded. Motion Carried.

*Old Business -*

- Dental Clinic Update - Mike Hoagland was expecting a letter regarding the Dental Clinic but has not received it as of yet.

*Correspondence/Resolutions -*

- Mike Hoagland received the 2016 divided check from the Michigan Counties Workers Compensation Board of Trustees.

## **COMMISSIONER LIAISON COMMITTEE REPORTS**

BARDWELL

Economic Development Corp/Brownfield Redevelopment

Caro DDA/TIFA

MAC Finance

MAC 7<sup>th</sup> District

Local Unit of Government Activity Report - Update provided regarding Ellington Township lawsuit.

TRIAD

Behavioral Health Systems Board

MAC Workers Comp Board

KIRKPATRICK

Board of Health

Community Corrections Advisory Board

Dept. of Human Services/Medical Care Facility Liaison

MI Renewable Energy Coalition

MEMS All Hazards – Committee to be assigned to Commissioner Bierlein beginning in 2018

MAC Environmental Regulatory – Vice Chair

Cass River Greenways Pathway

Local Unit of Government Activity Report

State Land Acquisition has been discussed again with Senator Green.

Commissioner Vaughan will be interested in continuing this discussion with Senator Green. Senator Green has an interest in establishing horse riding trails there. Commissioner Kirkpatrick would like the acquisition to be in the best interest of Tuscola County. Committee to be assigned to Commissioner Vaughan beginning in 2018.

NACO- Energy, Environment &amp; Land Use

Jail Planning Committee

Saginaw Bay Coastal Initiative

Tuscola In-Sync

Region VI Tourism Discussions

BIERLEIN

Genesee Shiawassee Thumb Works

Human Development Commission (HDC)

Recycling Advisory Committee

Local Emergency Planning Committee (LEPC)

Great Start Collaborative Council

Local Unit of Government Activity Report

MAC Board of Directors - Attorney General Opinion #7300 states a FOIA request needs to be responded to in the 5-day window although there is not a timeframe in providing the answer to the FOIA request.

Human Services Collaborative Council

MAC Judiciary Committee

Tuscola County College Access Network

MAC Agricultural/Tourism Committee

VAUGHAN - No Updates

Board of Health

Planning Commission

Economic Development Corp/Brownfield Redevelopment

Local Unit of Government Activity Report

Mid-Michigan Mosquito Control Advisory Committee

Parks and Recreation Commission

Tuscola County Fair Board Liaison

YOUNG

Dispatch Authority Board - Board has decided to not get new pagers at this time as there has not been much failure reported with the current pagers. The cost of the new system is excessive to replacing the pager itself.

County Road Commission Liaison - The Village of Cass City Manager, Debra Powell, attended the meeting and was able to have money awarded to upgrade Seeger Street. Also, she brought up Doerr Road and upgrades that will need to be made to that street.

Board of Public Works

Senior Services Advisory Council

Saginaw Bay Coastal Initiative

Local Unit of Government Activity Report

MAC Agricultural/Tourism Committee

Strategic EDC Planning Committee

Jail Planning Committee

Genesee Shiawassee Thumb Works

Region VI Economic Development Planning

Tuscola 2020

-Commissioner Young questioned what the precedence was to only have a Commissioner receive a per diem for a maximum of two meetings per day as sometimes there are more than two meetings scheduled in the same day for various committees. Board discussed the potential of abuse if the limit was not held in place. Board discussed the option of requesting a waiver for a day that this circumstance may arise. Commissioner Bardwell stated if the meeting is included on the Committee Liaison Listing it should be paid for even if it causes the number of meetings to exceed two.

-Commissioner Bardwell raised an issue in reference to the Road Commission regarding who would be responsible to pay the per day late fee if a job is not completed timely. Commissioner Young has the language included on the contracts and will provide a copy to Commissioner Bardwell.

*Other Business as Necessary -*

-Jail Planning Committee - Office window improvements were approved today. Lieutenant Harris and Mike Miller have drafted a proposed redesign of the Jail. The National Institute of Corrections will come in free of charge and make recommendations as to how to best design a jail layout. The communication with them has not been able to be established. Commissioner Kirkpatrick would like to have funds set aside and a design plan in place with deadlines established by the end of 2018.

*Extended Public Comment -*

-Register John Bishop would like clarification on how to establish a pay increase for the Register of Deeds position. Commissioner Bardwell stated it is a topic to be reviewed under Personnel at a Committee of the Whole meeting. Register Bishop stated the Board does not reward elected officials for a job well done nor do they show any detriment for not doing the job. Commissioner Bardwell stated there is no criteria to determine a job well done for an elected official position as it is at the hands of the voters.

Meeting adjourned at 1:04 p.m.

Jodi Fetting  
Tuscola County Clerk

TUSCOLA COUNTY  
County 2018 Budget Public Hearing  
December 14, 2017 Minutes  
H. H. Purdy Building

Commissioner Thomas Bardwell called to order the 2018 County Budget Public Hearing held at the H.H. Purdy Building in the City of Caro, Michigan, on the 14th day of December, 2017 to order at 9:34 o'clock a.m. local time.

Commissioners Present: District 1 - Thomas Young, District 2 - Thomas Bardwell, District 3 – Kim Vaughan, District 4 - Craig Kirkpatrick, District 5 - Matthew Bierlein

Commissioners Absent: None

Present: Mike Hoagland, Clerk Jodi Fetting, Tisha Jones, Eean Lee, Tracy Violet, Register John Bishop, Shelly Lutz, Caryn Michalak

Mike Hoagland reviewed the 2018 draft budget. Various accounts were reviewed. The all funds 2018 budget is in the amount of \$56,126,730.00.

Tuscola County has 10 special mileages in place.

Commissioner Bardwell questioned the amount funded to the Economic Development Corporation (EDC). Board discussed the avenues that EDC uses the funding provided by Tuscola County. Commissioner Bardwell would like to see the Board of Commissioners become more comfortable with the projects the EDC is working on. Board discussed the \$30,000 was supposed to be one-time money to assist local communities attain CDBG grant funds.

Public Comment:

Register Bishop raised concern with potential Budget Item #7 included in the Board Agenda as he has concern with it placing limits on his discretion of policies within his direct office. The Board feels this relates to County financial policies not direct office policies.

Public Hearing closed at 10:07 a.m.

Jodi Fetting  
Tuscola County Clerk