

TUSCOLA COUNTY BOARD OF COMMISSIONERS  
October 17, 2014 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 17th day of October, 2014 to order at 7:30 o'clock a.m. local time.

Prayer – Commissioner Allen

Pledge of Allegiance – Commissioner Kirkpatrick

Roll Call – Clerk Jodi Fetting

Commissioners Present: District 1 - Roger Allen, District 2 – Thomas Bardwell, District 3 – Christine Trisch (excused at 10:31 a.m.), District 4 – Craig Kirkpatrick, District 5 – Matthew Bierlein

Commissioner Absent: None

Also Present: Mike Hoagland, Clerk Jodi Fetting, Tom Gilchrist, Tisha Jones, Gary Shoenow, Gary Johnson, Sandy Nielsen, Eean Lee, Lisa Valentine, Charles Kurtansky, Lorraine Kurtansky, Charles Heinlein, Nancy Heinlein, Dr. Edward Canfield, Lou Smallwood, Mark Gruber, Dennis Weber, Janet Weber, Onna Clinesmith, Donald Clinesmith, Beth Aspeberger, John Bilet, Steve Anderson, Dennis Grosley

*Adoption of Agenda -*  
14-M-167

Motion by Trisch, seconded by Bierlein to adopt the agenda. Motion Carried.

*Action on Previous Meeting Minutes -*  
M-14-168

Motion by Kirkpatrick, seconded by Allen to adopt the meeting minutes from the September 25, 2014 meeting. Motion Carried.

*Brief Public Comment Period -*

-Clerk Jodi Fetting informed the Board that she will have to excuse herself to attend the Michigan Association of County Clerks District 5 meeting previously scheduled prior to the rescheduled Board meeting. Also, the redesigned County Clerk envelope was presented to the Board that included the required online services language. There was no additional cost to have the wording added to the return address section.

-Onna Clinesmith questioned the Board regarding the possibility of reinstating health insurance.

-Donald Clinesmith asked for an explanation for the need to go into closed session during the meeting.

-Gary Johnson distributed a letter from Citizens Against Unfair Taxation regarding the Denmark Water Project although he reserved comment until the end of the meeting.

-Dr. Ed Canfield introduced himself to the Board. Dr. Canfield is a candidate for

84th District House of Representatives.

- Lou Smallwood introduced himself to the Board. Mr. Smallwood is a candidate for the Vassar School Board. Mr. Smallwood also questioned the Board regarding reinstating health insurance.

-Lisa Valentine addressed the Board regarding reinstating health insurance.

-Lou Smallwood thanked Commissioner Kirkpatrick for doing a good job as his District's Commissioner.

-Steve Anderson requested approval from the Board to pursue a grant for an airboat to be used in conjunction with Huron County. The Board granted Steve permission to apply for the grant funding.

*Consent Agenda Resolution -*  
14-M-169

Motion by Allen, seconded by Kirkpatrick that the following Consent Agenda Resolution be adopted. Motion Carried.

## **CONSENT AGENDA**

**Agenda Reference:** A

**Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14

**Description of Matter:** Move that the first draft 2015 County Budget as presented at the October 14, 2014 Committee of the Whole meeting is authorized to be sent to department officials for review and comment. Any unresolved budget matters shall be submitted to the Controller/Administrator in writing for commissioner discussion.

**Agenda Reference:** B

**Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14

**Description of Matter:** Move that Eean Lee be hired as the full-time Tuscola County Information Technology Director effective November 3, 2014 at the beginning rate of pay according to the employment agreement. Also, all appropriate budget amendments are authorized. (Satisfactory physical and background check have been completed).

**Agenda Reference:** C

**Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14

**Description of Matter:** Move that the general county technology services contract with Zimco be approved for a two-year period effective October 2, 2014 for an amount of \$45 per hour not to exceed \$76,000 per year. Also, all appropriate signatures are authorized. (This contract amount has been reduced by \$44,000 with the hiring of Eean Lee as a county employee instead of a Zimco employee. Also, the new contract is for two years whereas the previous contract was for one year).

- Agenda Reference:** D
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that the Sheriff's Office technology services contract with Zimco be approved for a two-year period effective October 2, 2014 for an amount of \$45 per hour not to exceed \$67,000 per year. Also, all appropriate signatures are authorized. (The only change is the new contract is for two years whereas the previous contract was for one year).
- Agenda Reference:** E
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that the First Amendment to the general county technology services contract with Zimco be approved stating that Zimco shall not prohibit the county from hiring Eean Lee. Also, all appropriate signatures are authorized.
- Agenda Reference:** F
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that the two-year agreement for legal representation of indigent felons in the 54<sup>th</sup> Judicial Circuit Court be approved and all appropriate signatures are authorized (no increase for 2015 from the current \$165,000; for 2016 there will be an increase to \$173,250).
- Agenda Reference:** G
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that the one-year agreement for legal representation of indigent developmentally disabled individuals in Probate Court be approved and all appropriate signatures are authorized (no increase for 2015 from the current \$4,500).
- Agenda Reference:** H
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that per the September 26, 2014 email from Bill Horton that communication be sent to the law firm of Giarmarco, Mullins & Horton authorizing them to file claims data on behalf of Tuscola County regarding the Pfizer class action lawsuit settlement concerning the drug Neurontin (law firm will prepare the data for 10% of the county recovery amount).
- Agenda Reference:** I

- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that the third party administrator for the Michigan State Housing Development authority homeowner assistance programs county grant be awarded to the Human Development Commission (The Human Development Commission is the current third party administrator and the only party that submitted a bid for this service).
- Agenda Reference:** J
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that a statement be added to the Board and Commissions Policy that states unless there is an overriding statute or other unique circumstance, in order to serve on a county board and commissions, the individual shall be a resident of Tuscola County.
- Agenda Reference:** K
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that the 2014 Appointment Report which sets the 2014 county tax levies (property tax revenue for 2015) be approved and all appropriate signatures are authorized.
- Agenda Reference:** L
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that per the October 7, 2014 letter of request from the Emergency Services Director, that internal Emergency Service Budget amendments be approved to transfer \$1,000 from overtime with \$300 for a cellular telephone replacement and \$700 for replacement of vehicle tires.
- Agenda Reference:** M
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that the 2015 State Clean Sweep Grant (\$10,500 for four counties) be approved and all appropriate signatures are authorized.
- Agenda Reference:** N
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that the Weigh Master contract between the County and Road Commission be approved and all appropriate signatures are authorized.
- Agenda Reference:** O

- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that Kim Vaughan be appointed to fill the vacancy on the Tuscola County Parks and Recreation Commission.
- Agenda Reference:** P
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that per the recommendation of the Dispatch Director, to concur with the appointment of Nichole Kelly to the position of Dispatcher at the beginning step of pay effective upon completion of satisfactory physical and background check.
- Agenda Reference:** Q
- Entity Proposing:** COMMITTEE OF THE WHOLE 10/14/14
- Description of Matter:** Move that the budgeted project to remodel the counter tops in the Friend of the Court Office be awarded to Space Inc. for an amount of \$3,416.66.

*New Business -*

- Employment Agreement Information Technology Director  
14-M-170  
Motion by Kirkpatrick, seconded by Trisch to approve the Employee Agreement between Tuscola County and Eean Lee as dated October 17, 2014 and all appropriate signatures are authorized. Motion Carried.

-Commissioner Health Insurance/Affordable Care Act  
Commissioners discussed the options and necessary requirements that are required with the Affordable Care Act. Commissioner Bierlein would like the attorney to review further. Matter to be referred back to the Committee of the Whole.

- Primary Road Millage Transfer Request  
14-M-171  
Motion by Allen, seconded by Bierlein that per the request of the County Road Commission that \$669,918.00 be transferred from the Voted Primary Road Millage Fund to Road Commission Fund as specified in Primary Road Voucher #02-14 dated October 16, 2014. Motion Carried.

-Bridge Millage Transfer Request

## 14-M-172

Motion by Allen, seconded by Bierlein that per the request of the County Road Commission that \$39,154.90 be transferred from the Voted Bridge Millage Fund to the Road Commission Fund as specified in Bridge Voucher #02-14 dated October 16, 2014. Motion Carried.

*Old Business -*

-Village of Akron has sent correspondence that the matter has been referred to their insurance company and all communication needs to be sent to them.

*Correspondence/Resolutions -*

- Indianfields Township held a Public Hearing on October 13, 2014 regarding the Request of an Industrial Facilities Exemption Certificate in Indianfields Township
- Huron County Resolution opposing HB 5886.
- Huron County Resolution supporting HB 5078. Commissioner Kirkpatrick suggested the Board also review SM 1076.
- Huron County Resolution supporting S2729 and HR 4319 to require the U.S Fish and Wildlife Service and the National Marine Fisheries Service to perform cumulative and quantitative economic analysis prior to the critical habitat designation.
- Washtenaw County Resolution implores the Michigan Legislature to provide sufficient road funding to the State's counties, cities and villages.

## 14-M-172

Motion by Bierlein, seconded by Kirkpatrick to support the three above mentioned Huron County Resolutions and send to appropriate parties. Motion Carried.

-Denmark Township has submitted a check to the county to reimburse for attorney costs which is to be considered paid in full.

Recessed at 8:44 a.m.

Reconvened at 8:53 a.m.

*Extended Public Comment -*

- John Bilet - Stated that the desire for the water project to be completed is still there and more than 51% are in favor of the water project moving forward. He would like the Board to consider the Bond for the water project.
- Mark Gruber - Mr. Gruber is in support of the water project and would like the Board to consider assisting the Township with the water project.
- Gary Johnson - Stated that the court case is being challenged in the appeals court. Mr. Johnson stated that the no votes were not provided when the 51% was decided.

-Commissioner Kirkpatrick encouraged Gary Johnson and Mark Gruber to have a

meeting and start with common ground which is providing water in Denmark Township is a good thing. They each agreed to meet after the Board of Commissioners meeting.

-Dennis Grosley stated a joint meeting has been held previously at Reese Unity Library and the meeting did not end well. He wants the water project to proceed and for water to be offered.

*Closed Session -*

14-M-173

Motion by Bierlein, seconded by Allen to go into closed session at 9:12 a.m. to consider the purchase or lease of real property under section 8d of the Open Meetings Act. Approval was granted for Deputy Clerk Caryl Langmaid to relieve Clerk Fetting if necessary. Senator Mike Green authorized to attend the closed session. Roll Call Vote - Allen - yes; Bardwell - yes; Trisch - yes; Kirkpatrick - yes; Bierlein - yes. Motion Carried.

Reconvened from Closed Session at 10:29 a.m. with a roll call vote. Allen - yes; Bardwell - yes; Trisch - yes; Kirkpatrick - yes; Bierlein - yes.

Recessed at 10:31 a.m.

Commissioner Trisch excused at 10:31 a.m.

Reconvened at 10:44 a.m.

*Extended Public Comment Continued After Closed Session -*

-Janet Weber addressed the Board on how the water project has been handled.

-Nancy Heinlein discussed the water issue in Richville and in Denmark Township. Her concern is what is best for everyone now and in the future.

-Mark Gruber discussed the residents that were in the old district and are now in the new water project to not pay engineering costs to move project forward.

-Gary Schoenow addressed the Board regarding engineering fees paid for by the tax levy and paid for by the township residents.

-Charles Kurtansky informed the Board that he has good water at his residence. The residences in the water district the need good water should pay for the project. He is challenging the procedure that was followed.

-Gary Schoenow asked about the referendum that the township residents voted on.

-Chuck Heinlein asked if the Board has to start over with the steps that has already been completed. Township is asking if the resolution regarding bonding needs to be reversed.

Board discussed matter and decided to involve the bond attorney before proceeding ahead. Lawsuit between Tuscola County and Denmark Township needs to be closed/dismissed. Mike Hoagland to talk to attorneys regarding the lawsuit and advise the Board of proper action.

**COMMISSIONER LIAISON COMMITTEE REPORTS** - update to reports were tabled to the next Board meeting due to extended public comment and in the interest of time.

BARDWELL

NACo

NACo Rural Action Caucus

Economic Development Corp/Brownfield Redevelopment

Caro DDA/TIFA

MAC Economic Development/Taxation

MAC 7<sup>th</sup> District

Local Unit of Government Activity Report

MAC – Past President

KIRKPATRICK

Board of Health

Community Corrections Advisory Board

Dept. of Human Services/Medical Care Facility Liaison

Land Acquisition

MI Renewable Energy Coalition

MEMS All Hazards

MAC-Environment Energy Land Use

Oil/Shale Work Group

Cass River Greenways Pathway

Local Unit of Government Activity Report

Tuscola In-Sync

NACO- Energy, Environment & Land Use

ALLEN

Dispatch Authority Board

County Road Commission

Board of Public Works

Senior Services Advisory Council

Mid-Michigan Mosquito Control Advisory Committee

Saginaw Bay Coastal Initiative

Parks & Recreation

Local Unit of Government Activity Report

TRISCH

Board of Health

Planning Commission

Economic Development Corp/Brownfield Redevelopment

Local Unit of Government Activity Report

Behavioral Health Systems Board

Animal Control

Solid Waste Management

Thumb Works



BIERLEIN

Thumb Area Consortium/Michigan Works

TRIAD

Human Development Commission (HDC)

Tuscola 2020

Recycling Advisory Committee

Local Emergency Planning Committee (LEPC)

Multi County Solid Waste

Local Unit of Government Activity Report

Tuscola In Sync

MAC Board of Directors

Human Services Collaborative Council

Region VI Economic Development Planning

MAC-Economic Development & Taxation

*Other Business as Necessary - None*

Meeting adjourned at 11:58 a.m.

Jodi Fetting  
Tuscola County Clerk

Caryl Langmaid  
Deputy Clerk