

Jackson County Board of Commissioners Meetings Minutes
December 11, 2007 - Regular Meeting
Jackson County Commissioners Chambers: 5:00 p.m.

CALL TO ORDER:

Chairman Shotwell called the December 11, 2007, meeting of the Jackson County Board of Commissioners to order at 5:00 p.m.

INVOCATION:

Commissioner David F. Lutchka

PLEDGE OF ALLEGIANCE:

Chairman Steve Shotwell

ROLL CALL:

County Clerk - Amanda L. Riska

(11) Present: Commissioners Herl, Lutchka, Brittain, Duckham, Poleski, Videto, Mahoney, Brown, Smith, Elwell, and Shotwell. (1) Absent: Commissioner Way

APPROVAL OF AGENDA:

Moved by Mahoney, supported by Videto for the approval of the agenda, with the following changes made. Motion carried.

Comr. Herl asked to make the following changes to the agenda: ***to change the time of the public hearing on the expansion of the Road Commission from three to five members from 7:20 p.m. to 5:20 p.m.; and to add Resolution (12-07.52) Designating the Jackson County Health Department as the County's Soil Erosion and Sedimentation Control Enforcing Agency.***

Comr. Duckham asked to ***re-visit the Top Dog Animal Shelter purchase.*** This will be placed under unfinished business.

AWARDS & RECOGNITIONS:

Holiday Music Presentation by the Cascade Falls Family Night Singers.

COMMUNICATIONS/PETITIONS:

Moved by Brittain, supported by Poleski to receive communications. Motion carried.

SPECIAL ORDERS/PUBLIC HEARINGS: (5:21 p.m.)

A. Public Hearing on Expansion of Road Commission from Three to Five Members

Public Hearing opened at 5:21 p.m.

No comments from the public.

Public Hearing closed at 5:22 p.m.

PUBLIC COMMENT: Opened at 5:16 p.m.

Mike Grant, Dave Piper, John Hurd, Mike Stimpson, Mike Rand, and Ron Meador stated that they were running for the Road Commission appointment.

Michelle Kerstetter and Tom Finco stated that they were running for the Fair Board appointment.

Public Comment closed at 5:21 p.m. for the Public Hearing on the Expansion of the Road Commission from Three to Five Members.

Public Comment resumed at 5:22 p.m.

John Eiler and Tom Davis stated that they were running for an Airport Board appointment.

Peggy Younglove and Hugh Keyes stated that they were running for an Aging Advisory appointment.

Jan Berkemeier, Nancy Seydell, and Judy Reynolds stated that they were running for a Parks Board appointment.

Nick Janusiewicz, Lynn Bolenbaugh, and W. DeVries asked the Board to reconsider the animal shelter purchase.

Public Comment closed at 5:54 p.m.

SPECIAL MEETINGS OF STANDING COMMITTEES:

None

MINUTES:

The minutes of the 11/20/07 Regular Meeting of the Jackson County Board of Commissioners will be provided in January.

CONSENT AGENDA:

*Moved by Mahoney, supported by Brittain to remove item 4 d from the Consent Agenda. Moved by Mahoney, supported by Herl **for approval of the consent agenda after the removal of item 4 d.** Roll call: (11) Yeas. Motion carried unanimously.*

A. County Affairs:

None

B. County Agencies:

1. **Bid Summary and Request for Proposals for Family and Probate Court- Appointed Attorney Services**

C. Human Services:

2. **Local Health Department Grant Contract between Michigan Department of Environmental Quality and the Jackson County Health Department**

D. Personnel & Finance

3. **Resolution (12-07.49) Adoption of a Defined Contribution Plan for Non-Union Employees and County-Wide Election Officials**

4. Budget Adjustments

a. **Wage Analysis**

b. **Circuit Court**

c. **Register of Deeds**

d. **Medical Care Facility**

e. **Administrative Reimbursement from RRF**

STANDING COMMITTEES:

A. County Affairs – Commissioner Dave Lutchka

1. **Resolution (12-07.48) to Expand the Road Commission from Three to Five Members**

*Moved by Lutchka, supported by Mahoney **to expand the Road Commission from Three to Five Members.***

Comr. Brittain stated that he would be opposing five members because he believes three would be a good number. He does agree with reducing the salary from \$34,000 to \$5,000, but doesn't understand the need to go to five members if three worked fine before.

Roll Call: (10) Yeas. Comrs. Herl, Lutchka, Duckham, Poleski, Videto, Shotwell, Mahoney, Brown, Smith, Elwell. (1) Nay. Comr. Brittain. Motion carried.

2. December 2007 Appointments

a. **Airport Board – one public member, term to 12/31/2009**

Comr. Lutchka stated that the committee recommended John Eiler. Comr. Poleski nominated Tom Davis. Roll Call: (8) Davis. Comrs. Herl, Lutchka, Duckham, Poleski, Videto, Mahoney, Brown, and Shotwell. (3) Eiler. Comrs. Brittain, Smith, and Elwell. *Tom Davis appointed.*

b. District Library – one public member, term to 12/31/2011

Com. Lutchka stated that the committee recommended George Sewell. Com. Brittain nominated Russ Youngdahl. Com. Smith nominated Hugh Keyes. Roll Call: (9) Sewell. Comrs. Herl, Lutchka, Duckham, Poleski, Videto, Mahoney, Brown, Elwell, and Shotwell. (1) Youngdahl. Com. Brittain. (1) Keyes. Com. Smith. *George Sewell appointed.*

c. Fair – one public member, term to 12/31/2010

Com. Lutchka stated that the committee recommended Tom Finco. Com. Brittain nominated Michelle Kerstetter. Roll Call: (10) Finco. Comrs. Herl, Lutchka, Duckham, Poleski, Videto, Mahoney, Brown, Smith, Elwell, and Shotwell. (1) Kerstetter. Com. Brittain. *Tom Finco appointed.*

d. Hospital Finance Authority – four public members, terms to 12/31/2008

Com. Lutchka stated that the committee recommended Diane King and Randy Treacher. Com. Brittain nominated Judy Reynolds. Judy Reynolds refused the nomination. *Diane King and Randy Treacher appointed.*

e. Parks – two public members, terms to 12/31/2010

Com. Lutchka stated that the committee recommended Janet Berkemeier for the first seat. Com. Elwell nominated Nancy Seydell. Roll Call: (9) Seydell. Comrs. Herl, Lutchka, Poleski, Videto, Mahoney, Brown, Smith, Elwell, and Shotwell. (2) Berkemeier. Comrs. Brittain and Duckham. *Nancy Seydell appointed.*

Com. Lutchka stated that the committee recommended Judy Reynolds for the second seat. Com. Brittain nominated Janet Berkemeier. Com. Videto nominated Russ Youngdahl. Roll Call: (5) Youngdahl. Comrs. Lutchka, Videto, Brown, Smith, and Shotwell. (4) Reynolds. Comrs. Duckham, Poleski, Mahoney, and Elwell. (2) Berkemeier. Comrs. Herl and Brittain.

Second round of voting between Russ Youngdahl and Judy Reynolds. Roll Call: (7) Youngdahl. Comrs. Herl, Lutchka, Brittain, Videto, Brown, Smith, and Shotwell. (4) Reynolds. Comrs. Duckham, Poleski, Mahoney, and Elwell. *Russ Youngdahl appointed.*

f. Region II Planning Commission – one public member, term to 12/31/2010

Com. Lutchka stated that the committee recommended Russ Youngdahl. Com. Mahoney nominated Allan Hooper. Roll Call: (7) Youngdahl. Comrs. Lutchka, Brittain, Duckham, Videto, Smith, Elwell, and Shotwell. (4) Comrs. Herl, Poleski, Mahoney, and Brown. *Russ Youngdahl appointed.*

Com. Lutchka stated that the other open position was for the County Administrator/Controller Randy Treacher. *Randy Treacher appointed.*

g. Traffic Safety Commission – one public member, term to 12/31/2009

Com. Lutchka stated that the committee recommended Paul Garcia. No other nominations from the floor. *Paul Garcia appointed.*

h. Department on Aging Advisory Council – seven public members, terms to 12/31/2009

Com. Lutchka stated that the committee recommended Joe Evans for the first of seven positions. Com. Brittain moved to nominate all seven people recommended by the committee – Joe Evans, Diana Liechty, Troy Ganton, Gerald Robinson, Hugh Keyes, Peggy Younglove, and Robert Tavalisky. No other nominations from the floor. Motion carried. *Joe Evans, Diana Liechty, Troy Ganton, Gerald Robinson, Hugh Keyes, Peggy Younglove, and Robert Tavalisky appointed.*

i. Road Commission – 3 members, terms staggered – 12/2010, 12/2009, 12/2011 (Two appointments pending the adoption of Resolution (12-07.48))

Term Expiring 12/2010 - Com. Lutchka stated that the committee recommended Ron Meador. Com. Poleski nominated Mike Stimpson. Roll Call: (7) Stimpson. Comrs. Herl, Lutchka, Poleski, Videto, Brown, Elwell, and Shotwell. (4) Meador. Comrs. Brittain, Duckham, Mahoney, and Smith. *Mike Stimpson appointed.*

Term Expiring 12/2009 (New Position) – Com. Lutchka stated that the committee recommended John Hurd. Com. Duckham nominated Marv Jester. Roll Call: (8) Hurd. Comrs. Herl, Lutchka, Poleski, Videto, Mahoney, Brown, Elwell, and Shotwell. (3) Jester. Comrs. Brittain, Duckham, and Smith. *John Hurd appointed.*

Term Expiring 12/2011 (New Position) – Com. Lutchka stated that the committee recommended David Piper. Com. Videto nominated Mike Rand. Roll Call: (7) Rand. Comrs. Herl, Lutchka, Poleski, Videto, Brown, Elwell, and Shotwell. (4) Piper. Comrs. Brittain, Duckham, Mahoney, and Smith. *Mike Rand appointed.*

Commissioner Appointments

a. Mid-South Substance Abuse Commission – one member, term to 12/31/2009

Cmr. Lutchka stated that the committee recommended Cliff Herl. No other nominations from the floor. *Cliff Herl appointed.*

B. County Agencies – Commissioner Gail W. Mahoney

None.

C. Human Services – Commissioner Mike Way

None.

D. Personnel and Finance – Commissioner James Videto

Cmr. Mahoney stated that she had this item pulled from the consent agenda because she does not support the action, and wanted to be able to carry that through by being able to vote no.

Cmr. Brittain echoed Cmr. Mahoney's comments stating that he feels that they have double dipped for years, and if they approve this they will continue to do so. He thinks that it is a waste of tax dollars.

Cmr. Elwell wanted to clarify for his own understanding, that the reason for Cmr. Mahoney's objection is the insurance.

Moved by Videto, supported by Lutchka to approve a budget adjustment for the Medical Care Facility. Roll Call: (5) Yeas. Cms. Herl, Lutchka, Duckham, Shotwell, and Smith. (6) Nays. Cms. Brittain, Poleski, Videto, Mahoney, Brown, and Elwell. Motion did not pass.

UNFINISHED BUSINESS:

Moved by Duckham, supported by Brittain to put the Top Dog animal shelter on the table for discussion. Chairman Shotwell stated that this motion was out of order and asked the Acting County Administrator, Randy Treacher, to explain why this motion is out of order. Randy read from the manual that a Motion to Reconsider can only be made by a member who voted on the prevailing side, and the motion can only be made on the same day the vote to be reconsidered was taken. He further stated that a Motion to Rescind is in order and states that a member who anticipates the need to rescind a previously adopted motion or resolution can either present it within that meeting or give notice of intention of it being presented the next meeting. A Motion to Rescind is taken up immediately and requires a two-thirds (2/3) vote.

Moved by Duckham, supported by Brittain to Rescind the Top Dog decision.

Moved by Cmr. Elwell, supported by Cmr. Duckham to table Cmr. Duckham's motion to the end of commissioner comments, to allow them to discuss the issue further before voting. Roll Call: (10) Yeas. Cms. Herl, Lutchka, Brittain, Duckham, Poleski, Videto, Mahoney, Brown, Smith, Elwell. (1) Nay. Cmr. Shotwell. Motion carried.

NEW BUSINESS:

A. Resolution (12-07.50) Asking the Governor and Legislature to Stop the State Police Headquarters Plan for Lansing, Michigan, Known as the "Triangle Project" and Proposing Passage of Legislation to Stop the Plan

Moved by Lutchka, supported by Mahoney to adopt Resolution (12-07.50). Roll Call: (10) Yeas: Herl, Lutchka, Brittain, Duckham, Poleski, Shotwell, Mahoney, Brown, Smith, Elwell. (0) Nays. Cmr. Videto stepped out prior to this resolution. Motion carried.

B. Resolution (12-07.51) Municipal Employees' Retirement System of Michigan (MERS) Revised Uniform Defined Contribution Program

Cmr. Poleski asked for clarification that this motion is dealing only with employees hired after 1/01/08. Acting County Administrator Randy Treacher confirmed that to be correct.

Moved by Poleski, supported by Brown to adopt Resolution (12-07.51). Roll Call: (10) Yeas. Cms. Herl, Lutchka, Brittain, Duckham, Poleski, Videto, Shotwell, Brown, Smith, Elwell. (1) Nay. Cmr. Mahoney. Motion carried.

C. Resolution (12-07.52) Designating the Jackson County Health Department as the County's Soil Erosion and Sedimentation Control Enforcing Agency.

Moved by Mahoney, supported by Herl to adopt Resolution (12-07.52). Roll Call: (11) Yeas. Motion carried unanimously.

PUBLIC COMMENTS – Reopened at 6:28 p.m.

John Eiler thanked the board for supporting him for the Airport Board.

Nick Janusiewicz spoke on behalf of Lola Peterson with regard to questions she has on the animal shelter purchase.

Mike Rand thanked the Board for his appointment to the Road Commission.

Nancy Seydell thanked the Board for her appointment to the Parks Board and spoke about her new projects.

Public Comment closed at 6:28 p.m.

COMMISSIONER COMMENTS:

Cmr. Elwell thanked those who applied for appointments. He stated that with the amount of applicants, they were difficult decisions to make.

Cmr. Duckham pointed out that the four road commissioners that were picked are all previous or current government employees. He thinks that speaks to the "good old boy system," and he thinks that it looks like they have taken care of their own. This is the reason he voted the opposite way.

Cmr. Brittain asked for a show of hands among the commissioners, of those who thought it was \$1,000 per day fine, rather than a one-time fine. Chairman Shotwell asked Acting County Administrator Randy Treacher to explain. He stated that he spoke to Kim Luce, who appeared at the hearing, and she stated that the \$1,000 is fined by "occurrence," and each day is considered to be an "occurrence" by the state.

Cmr. Brittain stated that he did his own research by calling the Dept. of Agriculture. He spoke with several people, including Dr. Michelle Finitary, who assured him that it was a one-time fine, not a per day fine. She said that there might be an additional fee, which may be higher than \$1,000 if we didn't come into compliance, but that would be later on down the road. She also said that in the most recent report, all that was needed to be repaired at the current shelter to come into compliance was to seal the ceilings, walls, and floors and fix the fencing. She said nothing about air conditioning. He believes that every commissioner was under the understanding that it was a per day fine. That's what was in the newspaper and that is what they were told. He doesn't think that it would have taken that much money to come into compliance, but he completely understands why the commissioners voted the way they did – because everyone truly believed that it was \$1,000 per day fine. He wishes that more commissioners would have done their homework, because they were all misled. He also stated that after the County Affairs meeting, he received a phone call from a person on the Ad Hoc Committee who was displeased with the way that he voted. In talking to him, he was informed that the people who had ties with Lansing, either being past election officials or past or current government employees, received extra points. He thinks that the point system is flawed. He feels that the entire Road Commission, other than Randy Treacher, is part of the "good old boy" system.

Cmr. Elwell responded that it couldn't be further from the truth that it is a "good old boy" system. He stated that every member of the Ad Hoc Committee could score each person however they wanted confidentially. He said that there was not a grid for points. He pointed out that they were all great candidates

Cmr. Mahoney stated that she thinks that the commission did not ask the Ad Hoc Committee to do it's job and bring forth a list of who they thought should be the next Road Commissioners. She does not think that was their charge, and for them to tell the commissioners who that was going to be, she feels like it was a system that took it out of the hands of the commissioners. She did not support having two members of law enforcement on the board, and wishes there was a member from the public who was not in the past, or currently in government. She thinks that having five was a good move because it removes the possibility of having a "good old boy system," but she thinks there were some other things that occurred within those four picks that will allow some positioning to happen. She further stated that she picked people based on what she read about them, and not necessarily "accepting" the full recommendation of that committee.

Cmr. Duckham spoke on the Top Dog purchase. He stated that he is concerned that when Linda Dake's employment agreement was removed from the equation, that maybe the commissioner jumped too quickly. He is

concerned about the additional cost that may be involved, such as parking facilities, a fenced in area to house the County vehicles, the pavement for the driveways, fencing, and the berm. With the focus on the adoption process, he's concerned that the shelter might be too small. He would like to find a way to put this on hold for 30 days to do more research to see if it will be big enough, and maybe even do a cost comparison.

Cmr. Videto stated that he was just happy to be there.

Cmr. Brown wished everyone a Merry Christmas. He stated that he sat on the Ad Hoc Committee and they were appointed by fellow commissioners to do a good job, and be their voice on that committee. Hearing what the commissioners have to say now, he's feeling that maybe they did a poor job. He said that they did in fact do a fair job and everything was on the up and up. He stated that he did his own voting, and no one did the voting for him. He recognizes that out of the 37 or 38 people that came before them, they picked the best people that would be qualified to fill those positions. On the Top Dog issue he stated that the animal shelter on Blackstone is dying and wonders how much more money they want to put in that building. He took a tour of that building and he cried. He stated that he wouldn't take his dog there, and that he would shoot his dog before he would take him there. In his opinion that building is decaying and falling apart, and the County can't afford it anymore. He urged people in the audience to visit that building and thinks they would be ashamed to say that it is Jackson County's animal shelter. He thinks that Top Dog is a beautiful location and will be an outstanding facility for Jackson County, and he supports it.

Cmr. Brittain would like to set up an Ad Hoc Committee to look into other alternatives for the animal shelter. He's not sure why they didn't set up a committee for the animal shelter because Top Dog is going to cost the taxpayers 1.3 million dollars. He further asked to make a motion, but was told by Chairman Shotwell that a motion cannot be made during commissioner comments.

Cmr. Herl thanked the commission for moving the soil erosion into the Health Department. He thinks the Health Department Environmental Team will do a good job for the County. He stated that further down the road they will be looking at a soil erosion ordinance and he's looking forward to that. He also wished everyone a Merry Christmas and stated that he won't be running for Vice Chair next year, but that he has enjoyed doing so for the past 5 years. He will, however, be sticking around.

Cmr. Poleski stated that he opposed the Top Dog Facility for reasons that he articulated clearly enough at the time, but that was insufficient to convince enough commissioners to vote against it. However, he thinks that changing the decision now is ill-advised and as a practical matter, impossible to do. He thinks the commissioners should learn from this experience and when they choose to conduct a study they should expect the study to be conducted, and not be led about, which is what happened here. He stated that is not the way things are handled in business, and it's not how they should allow themselves to be managed here. He hopes that the next time they come to make a decision, they will expect themselves to do the homework.

Cmr. Elwell stated that since there is a signed purchase agreement, trying to back out now will put them at risk. He stated that maybe there were some things that could have been done better, but he doesn't think that it is appropriate to back out at this point. He further stated that they need to commit to making it the best facility they can, for the neighborhood that they have to be neighbors with, as the project moves forward. He dedicated that he will be supportive of adopting those measures.

VOTE TO LIFT FROM THE TABLE THE MOTION TO RESCIND:

Roll Call: (11) Yeas. Motion carried unanimously.

MOTION TO RESCIND THE PREVIOUS APPROVAL OF THE REAL ESTATE CONTRACT FOR TOP DOG:

Roll Call: (2) Yeas. Cmr. Brittain and Duckham. (9) Nays. Cmr. Herl, Lutchka, Poleski, Videto, Shotwell, Mahoney, Brown, Smith, and Elwell. Motion did not pass.

CLOSED SESSION:

Moved by Elwell, supported by Brown to go into closed session (6:50 p.m.). Motion carried.

Moved by Mahoney, supported by Poleski to return from closed session (7:09 p.m.). Motion carried.

POLC Contract

Moved by Mahoney, supported by Elwell to approve the contract with the POLC. (11) Yeas. Motion passed unanimously.

ADJOURNMENT:

Chairman Shotwell adjourned the December 11, 2007 meeting of the Jackson County Board of Commissioners at 7:09 p.m.

James E. Shotwell – Chairman, Jackson County Board of Commissioners

Amanda L. Riska – County Clerk

Respectfully submitted by Carrienne VanDusseldorp – Chief Deputy County Clerk