

Kalkaska County Board of Commissioners
Regular Monthly Meeting
October 12, 2011
(UNAPPROVED)

Meeting called to order by Chair Michael Cox at 4:00 PM, Room #103, Kalkaska County Governmental Center. Roll call of commissioners: All present-Michael Cox, Debra Kimball, Antonio Martini, Stuart McKinnon, David Ritter, Carroll Sexton and Craig Wood.

Pledge of Allegiance given by all. Invocation by Father Norman Dickson, St. Mary of the Woods/St. Aloysius Catholic Churches.

Call for conflict. None.

Approval of Agenda:

Motion by Wood to approve agenda with addition of Louie Walter, Kalkaska County Road Commission, to Appointments and Damien Allen to Other Business. Supported by Sexton. 7 yeas. 0 nays. **Carried.**

Approval of Minutes:

Motion by Wood to approve minutes of Regular Meeting 9-14-2011 with correction on page 3, 3rd line from bottom, should read 'wages need to be evaluated' rather than "evlouted". Supported by Kimball. 6 yeas. 1 abstain. 0 nays. **Carried.**

Public Input:

Darryl Drys-asked Board's for response to previous inquiry to concerns of Maple Valley property owners in Coldsprings Township addressed at last meeting. (Commissioner McKinnon advised reviewed at County Affairs, reviewed with county counsel and recommendations will be made to Board to suggest Drys continue with Attorney General's office, however, full Board will need to agree and then group will be notified.)

Stuart Rogers Sr.-request that all need to speak louder as unable to hear.

John Rogers-reserved time.

Robert Dryden-reserved time.

Floyd Weaver-reserved time.

Appointments:

Sheriff Dave Israel-inquired of any questions regarding October report. (Copy filed with Clerk) Sheriff requested approval of payment for fire investigation service for \$288.00 for Derrick Hogerheide. Discussion, to submit in next month bills. Sheriff requested temporary approval for replacement of one work crew supervisor who will be off due to surgery. Discussion. **Motion** by Wood to authorize Sheriff to interview and fill temporary part-time position of work crew supervisor. Supported by Sexton. 7 yeas. 0 nays. **Carried.** Ritter inquired if Sheriff had any

report regarding Maple Valley property owner issues. Sheriff advised of current PPO's in place and matter considered civil in nature.

Louie Walter-advised County Board will be getting copies of Road Commission minutes in future, advised a report was provided of progress of projects at County Road (copy not filed with Clerk), advised he was at meeting to provide rebuttal for retired employee Tom Henke statements at previous BOC meeting. Walters stated an outline/diary of events addressing decisions made by County Road Commission relative to health care/retirement requests made by Mr. Henke, Walters advised Board he hoped to clarify any questions they had regarding Mr Henke. Chair requested Walter to report on status of Road Commission. Walter reported audit was completed with only issue being lack of employee/job evaluations, also reported on policy changes, within 1% of budget, summarized other County Road Commission progress, GPS communication with employees, possible participation in rodeo competition for employees. Discussion regarding specific repair sites including bridge repair on Aarwood Rd, Walter to supply Finance with overweight ticket information and report at next Finance Committee (11-2-2011) meeting to include Court Administrator.

Committee Appointments:

Chair appointed Sherrie Lynn Jones, Roger Barber, Dorothy Jones, Marilyn Beaver and Lois Paynter as outlined in agenda. **Motion** by Wood to approve Chair's appointments of Sherrie Lynn Jones to vacant EDC term (10-12-11 to 12-31-12); Roger Barber to EDC student term; Dorothy Jones reappointment to DHS Board (10-1-11 to 10-1-13); Marilyn Beaver reappointment to Board of Canvassers (10-31-2011 to 10-31-2015) and Lois Paynter reappointment to Board of Canvassers (10-31-2011 to 10-31-2015). Supported by McKinnon. 7 yeas. 0 nays. **Carried.**

Approval of Bills:

Motion by Wood to approve Post approved bills of \$343,977.20, General Fund Bills of \$109,984.16, Kaliseum Fund bills of \$2,627.55, Payroll #18 of \$144,531.76, Payroll #19 of \$154,044.58, Payroll #20 of \$143,736.51 and Commissioners (Per-diem of \$975.00 and Salary of \$3,200.00) total of \$4,175.00. Supported by Kimball. Roll call vote: Wood, yes; Kimball, yes; Martini, yes; McKinnon, yes; Ritter, yes; Sexton, yes; Cox, yes. 7 yeas. 0 nays. **Carried.**

Wood requested Board to review contract offered by Sharon Zakrajsek for completing Apportionment Report for Kalkaska County. **Motion** by Wood to approve contract with Sharon Zakrajsek as provided for completion of Apportionment Report for Kalkaska County. (Page 8 of packet). Supported by Mckinnon. 7 yeas. 0 nays. **Carried.**

Unfinished Business:

None.

Committee Reports:

Budget and Finance: Wood reported communication with MISHDA who will be sending technical assistant to review status of local program, administrative fees and options. Referred to Finance for meeting with representative. Wood advised request for payment of unused sick time of retiring employees was reviewed, Finance requested a written policy to be reviewed along with decision of current requests, Controller was requested to provide future policy wording for review and implementation, recommended approval of current requests. Discussion, consensus written policy needs to be made at time of decision regarding current requests. Consensus Controller to provide wording for future policy to Board for special Finance meeting on 10-19-2011. Wood advised to review proposal from Soil Conservation, (table to review at break). Wood advised request from court. Discussion. **Motion** by Wood to replace two printers costing \$2,137.00 and replace toilet in holding cell, funds to come from Court House Restoration Fund. Supported by McKinnon. 7 yeas. 0 nays. **Carried.**

Chair called for break at 4:47 PM.

Chair called meeting back into session at 5:00 PM.

Chair called for added agenda business of Damien Allen. Mr Allen requested Civic Center to remain open for Obscurity Productions, which provides supervised shows for youth, some include support of charity events. **Motion** by McKinnon to keep Civic Center open thru 1-14-2012, not to conflict with Winterfest. Supported by Martini. Discussion. Request to include Trout Festival, Allen referred to Trout Board regarding Trout Festival involvement. 7 yeas. 0 nays. **Carried.** Cox to inform Kaliseum.

Chair recalled matter of Soil Conservation proposal. Discussion. Wood advised grant opportunities would be beneficial, Chair advised long term plans need to be implemented. Continued discussion. **Motion** by McKinnon to approve \$10,500.00 for proposal for Soil Conservation as submitted, funds to come from Contingency Fund, project to be overseen by DPW Committee. (Copy filed with Clerk) Supported by Martini. 7 yeas. 0 nays. **Carried.**

Personnel: Sexton reported receipt of 3 applications/interviews for Equalization Director, wage for position remains an issue. Discussion. Personnel to review further options including review of possible level 3 certifications through State currently in the area, Sexton advised one applicant reported ability to gain \$5,000.00 revenue per month for GIS mapping. Sexton advised proposed county policies and procedures will be available for review to Board. Sexton advised 24 applications for Controller position, to begin reviewing. Discussion regarding job description of Controller duties, consensus Personnel to follow up as soon as possible. Discussion regarding possible wages to offer, McKinnon advised concern with current Department Head wages if new hires receive higher wage. Sexton requested Board to meet with Department Heads to allow for communication with Board. Discussion regarding meeting options. Consensus to combine meetings of Cohl (10-21-2011 @ 1:30 PM), Sharon Zakrajsek for Apportionment Report and Department Heads 10-21-2011, Board to review meeting times further.

County Affairs: McKinnon reported proposed Planning Commission Bi-Laws were revised with addition of definition of conflict of interest. **Motion** by McKinnon to approve Kalkaska County Planning Commission Bylaws as presented with addition of definition of conflict of interest. (Copy filed with clerk). Supported by Martini. 7 yeas. 0 nays. **Carried.**

**Kalkaska County
PLANNING COMMISSION**

BYLAWS

ARTICLE I: NAME OF COMMISSION

The name of this Organization shall be the Kalkaska County Planning Commission.

ARTICLE II: AUTHORIZATION

The authorization for the establishment of this Planning Commission is set forth under Section 1 of Public Act 33 of 2008, the County Planning Act,¹ as amended, and includes all duties and responsibilities incurred therein and as authorized by the County Board of Commissioners. According to Section 6 of Public Act 282 of 1945, the Planning Commission shall also assume the duties of the Zoning Commission as prescribed according to Public Act 183 of 1943, the County Rural Zoning Act, as amended. However, according to Section 301 of Public Act 110 of 2006, the Michigan Zoning Enabling Act, since the Kalkaska County Board of Commissioners has transferred the powers of the Zoning Commission to the Planning Commission as provided by law, the Zoning Commission no longer has any authority.²

Power and duties for planning and zoning of Kalkaska County are delegated to the Kalkaska County Planning Commission by the Kalkaska County Board of Commissioners of Kalkaska County, Michigan by Ordinance #2 of January 19, 1979 in accordance with the above mentioned enabling laws.

ARTICLE III: MEMBERSHIP³

Membership shall consist of seven (7) persons to be appointed by the Kalkaska County Board of Commissioners per Public Act 282 of 1945, as amended. The term of office shall be for three (3) years or until a successor is appointed. The legislative body shall provide for the

¹ Planning Commission meeting on January 16, 2008 and January 21, 2009

² Planning Commission meeting on February 20, 2008

³ Planning Commission meeting on March 5, 2008

removal of a member of a planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing (See MZEA P.A. 110 of 2006, Section 125.3301(9)).⁴

Members whose terms have expired shall hold office until their successors have been appointed. All members of said Commission shall reside within Kalkaska County, except that one (1) member may be an individual who is not a qualified elector of the local unit of government (See MPEA, Section 125.3815 (4)(c)).⁵ Each member shall be entitled to one (1) vote. A majority of the members present and constituting a quorum at a given meeting shall be required to take any formal action.⁶ Every member must be sworn in by the Kalkaska County Clerk or designated agent.⁷

ARTICLE IV: OFFICERS

Section 1. The officers of the Planning Commission shall consist of a Chairperson, Vice-Chairperson and Board Secretary⁸. The terms of all officers shall be one (1) year with eligibility for re-election.

Section 2. The Chairperson shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers. The Chairperson shall run the proceedings at the meetings of this Commission per Article VII of these Bylaws.⁹ The Chairperson shall not be a member of the Kalkaska County Board of Commissioners elected and serving.

Section 3. The Vice-Chairperson shall act for the Chairperson in his absence.

Section 4. The County Board of Commissioners shall appoint or hire a Recording Secretary who need not be a member of the County Planning Commission. The Recording Secretary shall keep the minutes and records of the Commission, and with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings under the direction of the Chairperson, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission, and perform¹⁰ such other duties as are normally carried out by a Recording Secretary. Meeting minutes from the last regular meeting shall be presented to the Commission members before the following regular meeting.

⁴ Planning Commission meeting on April 15, 2009

⁵ Planning Commission meeting on March 18, 2009

⁶ Planning Commission meeting on February 20, 2008

⁷ Planning Commission meeting on April 13, 2005

⁸ Planning Commission meeting on February 18, 2009

⁹ Planning Commission meeting on April 15, 2009

¹⁰ Planning Commission meeting on January 10, 2007

Section 5. The County Planning Commission shall create and fill such other offices and/or subcommittees as it may deem necessary. Subcommittees shall be made up of no less than two (2) and not more than three (3) members of the Planning Commission. Subcommittees may also contain additional members of the general public, as appointed by the Planning Commission.¹¹ Subcommittees shall meet as necessary, determined by the Planning Commission or upon the request of the Zoning Administrator. Such appointed subcommittees will keep records and submit reports back to the Planning Commission. The subcommittee members shall receive the same compensation and mileage as for regular Commission meetings.

Section 5.a. The Site Plan Review Committee shall consist of the Planning Commission Chairperson and the Zoning Administrator. The Site Plan Review Committee may appoint additional members as needed. There shall not be more than two (2) Planning Commission members on the Site Plan Review Committee. The duty of the Site Plan Review Committee will be to review compliance with Article Twenty-Five (Site Plan Review) of the Kalkaska County Zoning Ordinance.¹²

Section 6. The Zoning Administrator shall attend regular and special meetings of the Planning Commission.

ARTICLE V: ELECTION OF OFFICERS

Section 1. An annual organizational meeting shall be held at the first meeting of February each year.

Section 2. Nominations shall be made from the floor at the annual organizational meeting and election of officers, specified in Section 1 of Article IV, shall follow immediately thereafter.

Section 3. A candidate receiving a majority vote of the entire membership of the Planning Commission [four (4)] shall be declared elected and shall serve for one (1) year or until his successor shall take office.

Section 4. Vacancies in office shall be filled immediately by regular election procedure.

ARTICLE VI: MEETINGS

Section 1. Regular meetings will be held on the third¹³ Wednesday of each month as noted on the annual meeting schedule, and if necessary additional meetings shall be set by a

¹¹Planning Commission meeting on February 9, 2005

¹²Planning Commission meeting on September 15, 2010

¹³ Planning Commission meeting on January 16, 2008

vote of the Planning Commission,¹⁴ at the Island Lake Road Complex, 890 Island Lake Road NW, in Kalkaska, Kalkaska County, Michigan. In the event of conflict with holidays or other events, a majority at any meeting may change the date and time of said meeting. A meeting schedule will be posted at the Governmental Building, the Island Lake Road Complex, and published as per State Statute.

Section 2. A quorum shall consist of four (4) members. A majority of the members present and constituting a quorum at a given meeting shall be required to take any formal action.¹⁵ Voting shall be by voice except when voting on Special Uses, Amendments, a money matter, or when any member requests a roll call vote.

All members present shall vote on every question, unless they disqualify themselves or are excused from voting by a majority of the members present. No member of the Commission shall participate in the hearing or decision of such Commission upon any zoning matter, other than the preparation and enactment of an overall or Comprehensive Plan, in which he or she has an interest, directly or indirectly. In the event of such disqualification, such fact shall be entered on the records of the Commission.

Section 3. Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call a special meeting when requested to do so by a majority of members of the Commission. The Recording¹⁶ Secretary shall notify all members of the Commission in writing not less than twenty four (24) hours in advance of such special meeting, unless said meeting is to continue deliberation regarding an issue raised at a meeting within the last forty eight (48) hours.

Section 4. All meetings or portions of meetings shall be open to the general public. All meetings will be conducted in accordance with Public Act 267 of 1976, known as the "Open Meetings Act".

Section 5. Unless otherwise specified, Robert's Rules of Order with modifications¹⁷ shall govern the proceedings at the meetings of this Commission.

Section 6. It is highly recommended that there be at least one (1) joint meeting be held each year between the Planning Commission and the Zoning Board of Appeals for the purpose of exchanging information.¹⁸

Section 7. Public hearings will be noticed in the local newspaper only.¹⁹

¹⁴ Planning Commission meeting on March 5, 2008

¹⁵ Planning Commission meeting on March 5, 2008

¹⁶ Planning Commission meeting on February 20, 2008

¹⁷ Planning Commission meeting on January 11, 2006

¹⁸ Planning Commission meeting on February 9, 2005

Section 8. Public Act 442 of 1976, as amended will or shall be observed, also known as the Freedom of Information Act.²⁰

ARTICLE VII: ATTENDANCE²¹

Section 1. All Planning Commission members are requested to notify the Zoning Department if attendance at meeting is not possible. A member shall be considered delinquent if that member has three (3) unexcused absences in a row. Delinquency shall be grounds for the board of Commissioners to remove any member from the Planning Commission for non-performance of duty or misconduct, following a public hearing on the matter. The Secretary shall, and the Zoning Administrator may, keep attendance records, and shall notify the Board of Commissioners whenever any member of the Planning Commission is absent for more than three (3) unexcused meetings in a row, so that the Board of Commissioners can consider further action as allowed under law.

ARTICLE VIII: ORDER OF BUSINESS

Section 1. The order of business at regular meetings generally shall be:²²

- a. Call to order and pledge of allegiance.
- b. Roll call.
- c. Approval of agenda.
- d. Public comment and communications concerning items not on the agenda.
- e. Call for conflict (Chairman to inquire if any member has a conflict, or feels that another member may have a conflict of interest). Roll call vote.²³
- f. Public hearing.
- g. Approval of minutes.
- h. Correspondence.
- i. Reports of Officers, Boards and Committees.
- j. New Business.
- k. Old Business.

¹⁹ Planning Commission meeting on January 11, 2006

²⁰ Planning Commission meeting on April 15, 2009

²¹ Planning Commission meeting on July 29, 2009

²² Planning Commission meeting on October 4, 2006

²³ Planning Commission meeting on April 15, 2009

- I. Other/Public Comment.
- m. Adjournment.

Section 2. A motion from the floor must be made and passed in order to dispose with any item on the agenda.

ARTICLE IX: EMPLOYEES AND CONTRACTS

Section 1. Within the limits imposed by the funds available for its use, the Commission may employ such staff personnel and/or consultants as it sees fit to aid in its work. Appointments shall be made by the Chairperson of the Board of Commissioners and shall be subject to approval by the County Board of Commissioners.

Section 2. The Commission may make contracts for special or temporary services and for professional counsel upon approval of the County Board of Commissioners.

ARTICLE X: HEARINGS

Section 1. In addition to those required by law, the Commission may hold public hearings when it decides that such hearings will be in the public interest.

Section 2. Subject to the provisions of any applicable State Act and/or County Ordinance, public hearings shall be held on: the adoption or amendment of a Comprehensive Plan; the adoption, amendment or consideration of a special use permit as authorized by a Zoning Ordinance; or the preliminary approval of a plat of a subdivision.

Section 3. A petitioner who seeks to amend the Zoning Ordinance or other comprehensive plan element shall file a petition with the Kankaska County Planning Commission.

Section 4. The Planning Commission may take a minimum of 28 days to investigate and evaluate zoning change requests.

Section 5. At a public hearing before the Commission, the petitioner shall first present the facts and arguments in support of the case, followed by those who support the petitioner, and then ²⁴those who oppose the petitioner shall follow. The petitioner shall be given time for rebuttal. There shall be no rebuttal of the rebuttal. To maintain orderly procedure, each side shall proceed without interruption by the other. No record or statement shall be recorded or sworn to as evidence for any court of law without notice to the parties.

Section 6. In the presentation of a case the burden shall be upon the petitioner to supply all information including charts, diagrams and other exhibits necessary for a clear

²⁴ Planning Commission meeting on January 16, 2008

understanding of the issue. The Commission may continue the hearing when, in its judgment, the petitioner has provided sufficient evidence on which to make a determination.

Section 7. Every person appearing before the Commission shall abide by the order and directions of the Chairperson. Discourtesy, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the Commission directs. Every person shall state his/her name, address and interest in the case at the start of the presentation.

Section 8. The Commission may continue or postpone the hearing of any case on an affirmative vote of a majority of the members present. The date, time and place for the continuance of the hearing shall be stated to those present, included in the meeting minutes, and the petitioner or his representative duly informed when not present.

ARTICLE XI: FINAL DISPOSITION OF CASES

Section 1. The final disposition of any case shall be in the form of an order setting forth the findings of fact and determination of the Commission, together with any modification, specification or limitation which it makes.

Section 2. The Commission may dismiss a case for lack of prosecution or lack of jurisdiction. When a petitioner has failed to appear at two (2) consecutive regular meetings, the case may be dismissed, tabled or a decision may be rendered when the Commission feels it has the information necessary to reach a decision.

Section 3. A petitioner may not withdraw a case after a roll call vote has been ordered by the Chairperson.

Section 4. A case which has been withdrawn by the petitioner shall not again be placed on the agenda for consideration within a period of twelve (12) months after the date of withdrawal, unless the petitioner can show conditions have changed significantly.

Section 5. A case which has been decided adversely to the petitioner shall not again be placed on the agenda for consideration until twelve (12) months after the date of decision, unless the petitioner can show conditions have changed significantly.

ARTICLE XII DEFINITIONS

- Conflict of Interest: Participation by a member of the Planning Commission in a public hearing, or voting on a matter in which the property in question is owned, leased, rented or is proposed to be developed by the member; is owned or is to be developed by a relative, boss, or close friend of the member; or involves a party with who the member shares a financial interest, such as a partner, borrower, lender, renter or investor; or is property which abuts or is near property owned by the member and the member does not feel he/she can objectively**

evaluate the request and vote in an unbiased manner. This definition applies to any matter being decided by the Planning Commission. All actions of the Planning Commission must comply with P.A. 317 of 1968, P.A. 318 of 1968, and P.A. 196 of 1973.²⁵

ARTICLE XIII: AMENDMENTS TO BYLAWS

Section 1. Amendments to these bylaws²⁶ may be made by the Commission at any regular or special meeting upon the affirmative vote of a majority of the entire membership of the Commission, and subject to approval by the County Board of Commissioners.

Section 2. These bylaws shall be reviewed annually.

Section 3. The suspension of any rule may be ordered at any meeting by a unanimous vote of those present.

Adopted this date: _____

Attested: _____

Signature of Chairperson

Filed with the County Clerk: _____

25 Planning Commission meeting on August 17, 2011

26 Planning Commission meeting on January 16, 2008

McKinnon advised proposed resolution regarding employee right to work act was reviewed, tabled to review. McKinnon reported request for county charter was reviewed and tabled, matter regarding Ms Cole and Maple Valley property owners to refer back to attorney general, if Board concurs will have Board secretary send letter to Ms Cole with this decision (Board concurred). McKinnon advised further discussion included ticket revenue, matter of Apportionment Report to be completed by contract with Zakrajsek , letter from Empiric regarding RFP for internet server (pending Boards decision to stay with A T & T, McKinnon will call Empiric to advise).

Health and Welfare: Kimball reported Library looking at old NBD building as possible location for new library and possible options.

Public Works: Martini reported new contract with Soil Conservation reviewed. **Motion** by Martini to approve Soil Conservation contract as presented. Supported by McKinnon. Discussion. (Copy filed with Clerk) 7 yeas. 0 nays. **Carried.**

Judiciary/Public Safety: No report.

Recycling/Solid Waste: Wood reported receipt of check from American Waste for final reimbursement. Martini reported some changes may be necessary for containment of shipping of recycling.

Sub-Committees:

Kaliseum: Copy of report from Director James. (Copy filed with Clerk)

Parks and Recreation: No report.

EDC: No report.

Conservation District: No report.

Commission on Aging: Kimball reported on pending senior program to prepare for needs.

North Country CMH: No report.

Correspondence and Resolutions:

Letter from Fair Board-no discussion.

Letter from Village regarding master plan-no discussion.

Zoning Administrator Report-no discussion.

New Business:

Wood requested follow up with MISHDA contact to meet with Finance also on 10-19-2011 at 3:30 PM. Chair requested to review at break. Chair reminder to have Zakrajsek to also meet 10-21-2011.

Other Business:

Kimball reported from Kalkaska Township that Kalkaska Fire Chief resigned after 32 years, Derrick Hogerheide appointed as new Fire Chief, also concern that Township also did not receive balance of grant money.

Public Input:

None.

Motion by Wood to adjourn to call of the Chair at 5:53 PM. Supported by Sexton. 7 yeas. 0 nays. **Carried.**

Respectfully submitted:

Deborah Hill, Kalkaska County Clerk and
Clerk of Board of Commissioners

Michael Cox, Chair of
Kalkaska County Board of Commissioners

These minutes are not official until they are approved at the next regular Board of Commissioners meeting.

