

Kalkaska County Board of Commissioners  
Regular Monthly Meeting  
June 8, 2011  
(UNAPPROVED)

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

Pledge of Allegiance given by all. Invocation by Pastor Matt Mosher, Calvary Baptist Church.

Call for Conflict: None

**Approval of Agenda:**

**Motion** by Wood to approve agenda with addition of Brian Donnelly under appointments at 5:45 PM, moving 5:45 appointment to 6:00 PM, add Michigan Works appointment and to include 2 other matters under Other Business. Supported by Martini. 7 yeas. 0 nays. **Carried.**

**Approval of Minutes:**

**Motion** by Cox to approve Closed Session Minutes of 5-9-11 (provided to Board in sealed envelope for review at beginning of meeting). Supported by Kimball. 5 yeas. 0 nays. 2 Abstain. **Carried.** (All copies returned to Clerk)

**Motion** by Kimball to approve 5-11-2011 Minutes (with correction on page 4, 2<sup>nd</sup> paragraph, deletion of 'out' following 'without'). Supported by Cox. 5 yeas. 0 nays. 2 Abstain. **Carried.**

**Motion** by Kimball to approve 5-9-2011 (Resumption of 4-13-2011 Meeting) Minutes. Supported by Cox. Discussion. 5 yeas. 0 nays. 2 abstain. **Carried.**

**Public Input:**

George Shetler-Reserved time.

Robert Dryden-Reserved time.

**Appointments:**

Sheriff Israel-tabled.

Haider Kazim-tabled.

MSU-Carrie Crigier: Addressed Board members, provided Activity Report March-May 2011 and upcoming Judges Clinic at Kalkaska 7-23-2011. (Copy filed with Clerk).

Sheriff David Israel: Reviewed May report (copy filed with Clerk). Advised Board of ongoing process to replace Dispatcher position and requested review of rental fee for conference room at Kaliseum for training. **Motion** by Martini to waive rental fee for conference room at Kaliseum for Sheriff Department training 6-9-2011. Supported by Wood. 7 yeas. 0 nays. **Carried.**

Karen VanHorn: Requested Board to approve resolution to amend zoning ordinance. Discussion included review of language regarding search warrants by Planning Commission.

Ritter addressed request for 'sunset clause'. Discussion. VanHorn advised further requests may still be reviewed but resolution is necessary before July 2011. **Motion** by Kimball to adopt Resolution 2011-02, To Amend the Kalkaska County Zoning Ordinance. Supported by Sexton. Roll call vote: Kimball, yes; Sexton, yes; Cox, yes; Martini, yes; Ritter, no; Wood, yes; McKinnon, yes. 6 yeas. 1 nay. **Carried.**

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**A RESOLUTION TO AMEND THE KALKASKA COUNTY ZONING ORDINANCE**

**KALKASKA COUNTY BOARD OF COMMISSIONERS**

**RESOLUTION NUMBER: 2011-02**

**JUNE 8<sup>TH</sup>, 2011**

At a regular meeting of the Kalkaska County Board of Commissioners for Kalkaska County, Kalkaska, Michigan, held in the County Governmental Building located at 605 N. Birch Street, Kalkaska, Michigan on the 8<sup>TH</sup> day of June, 2011.

Present: Debra Kimball, Craig Wood, Carroll Sexton, David Ritter, Antonio Martini, Michael Cox, Stuart McKinnon  
Absent: None

The following was offered by Debra Kimball and supported by Carroll Sexton.

**WHEREAS** the current Kalkaska County Zoning Ordinance (KCZO) was adopted by the Kalkaska County Board of Commissioners in October 2001; and

**WHEREAS** the current KCZO was last reprinted in July 2010; and

**WHEREAS** the Kalkaska County Planning Commission is required by the Michigan Planning Enabling Act, Act 33 of 2008, as amended, to confirm the establishment of the Kalkaska County Planning Commission; to provide for the appointment and composition of the Planning Commission; to provide for the powers, duties and limitations of the Planning Commission; and to repeal any ordinance or resolution, in conflict with this ordinance; and

**WHEREAS** the Kalkaska County Planning Commission, during a public hearing held on March 16<sup>th</sup>, 2011 involving Ordinance #141, Amendment #162 (2011-138), approved the proposed text amendment to add Article Thirty-One entitled Planning Commission to the KCZO; and

**WHEREAS** the Kalkaska County Planning Commission approved a motion on March 16<sup>th</sup>, 2011 that the attached proposed KCZO text amendment be forwarded to the Kalkaska County Board of Commissioners for adoption at their next regular meeting.

**NOW THEREFORE BE IT RESOLVED**, as follows:

1. The Kalkaska County Board of Commissioners adopts Ordinance #141, Amendment #162 (2011-138) as presented.
2. The Board hereby directs the Kalkaska County Zoning Administrator to have the Notice of Adoption published in the local newspaper.
3. The adopted KCZO text amendment shall take effect seven (7) days after publication of the Notice of Adoption in the local newspaper.

Yeas: Kimball, Sexton, Cox, Martini, Wood, McKinnon  
Nays: Ritter  
Absent: None  
Abstain: None

**RESOLUTION DECLARED ADOPTED**

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Stuart McKinnon, Chairperson Pro-Tem  
Kalkaska County Board of Commissioners

I, the undersigned, County Clerk of Kalkaska County, Kalkaska, Michigan, do hereby certify that the foregoing is a true and correct copy of certain proceedings taken by the Kalkaska County Board of Commissioners of said municipality at its regular meeting held on June 8<sup>th</sup>, 2011,

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relative to adoption of the resolution therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

STATE OF MICHIGAN )  
County of Kalkaska )

June 8<sup>th</sup>, 2011

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Deborah Hill, County Clerk

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Library Board-James Hibler: Requested Board to allow Library to place Bond on November 2011 ballot for building new library. **Motion** by Kimball to authorize the Kalkaska County Library to place a bond issue for Kalkaska County voters on the 11-2011 ballot. Supported by Wood. Lengthy discussion. Martini addressed concern with cost of construction, operation and confusion with variation of figures presented. Sexton addressed concern of need given electronic devices available for research. Kimball expressed concern that many people do not have access to internet and electronic options.

**Public Input**-George Shetler: Addressed Board regarding responsibilities of Library Board, previous research determining community need for new library building, and that Board should allow the voters to make determination.

Wood addressed concern of inability of Board to know what the majority of the public would decide and voters should be allowed to make decision. Cox advised that voters should be allowed to make decision. McKinnon advised concern is not with having a new library but that he is concerned of need for documentation of costs of operation not just the building costs, in order to be presented to the public. Mr. Scott addressed Board, advised them of the previous studies and projections including 2 prior feasibility studies. Roll call vote: Kimball, yes; Wood, yes; Cox, yes; Martini, no; Ritter, no; Sexton, no; McKinnon, no. 3 yeas. 4 nays. **Motion failed.**

Haider Kazim-requested Board enter into Closed Session to discuss pending law suit litigation. **Motion** by Sexton at 4:50 PM to enter into Closed Session to review pending County law suit litigation. Supported by Kimball. Roll call vote: Sexton, yes; Kimball, yes; Cox, yes; Martini, yes; Ritter, yes; Wood, yes; McKinnon, yes. 7 yeas. 0 nays. **Carried.**

**\*\*Board entered into Closed Session at 4:50 PM\*\***

**\*\*Board returned to Open Session at 5:20 PM\*\***

**Motion** by Sexton to resume from Closed Session to Open Session @5:20 PM. Supported by Martini. 7 yeas. 0 nays. **Carried.** **Motion** by Kimball to allow Commissioner McKinnon to attend July 14, 2011 mediation hearing, representing Kalkaska County Board, as discussed in Closed Session. Supported by Sexton. 7 yeas. 0 nays. **Carried.**

Chair called for break at 5:24 PM.

Chair called meeting back into session at 5:33 PM.

**Appointments Con't:**

Eddie Ascione-Solid Waste Reciprocal Agreement: Mr. Ascione requested Board to approve agreement as presented. Discussion. McKinnon inquired if Mr. Ascione reviewed the new wording, who acknowledged he was in agreement. **Motion** by Kimball to approve revised **Solid Waste Reciprocal Agreement** as presented. Support by Sexton. Roll call vote: Kimball, yes; Sexton, yes; Cox, yes; Martini, yes; Ritter, yes; Wood, yes; McKinnon, yes. 7 yeas. 0 nays. **Carried.** (Copy filed with Clerk)

Prosecutor Brian Donnelly: Chair inquired if a position was replaced in Donnelly's office without following County policy of hiring/replacement freeze. Donnelly advised Board that he has an approved budget, Assistant is an extension of Prosecutor, not a union employee, Board does not have authority to enforce the policy and position needed to be filled. Discussion.

**Public Input:** Robert Dryden, requested copy of letter of consent from Judge allowing assistant prosecutor.

Discussion regarding Board's authority to enforce hiring freeze. Chair recommended no further action until review County policy with labor attorney on 6-23-2011. Discussion.

John Axe-Michigan Municipal League: Axe addressed Board, noted that vote on Library Bond was appropriate without specified funding for operation, that Board does have authority to enforce policies regarding hiring, provided firm experience including assistance with county analysis of bonds, budgets, county services (mandated and non-mandated) and other county functions. Chair requested Axe to provide a proposal to Board for services.

Chair called for break at 6:18 PM.

Chair called meeting back into session at 6:23 PM.

**Committee Appointments:**

**Motion** by Kimball to approve Chair's appointment of Don Marsh of Marsh Automotive to the Workforce Development Board. Supported by Sexton. 7 yeas. 0 nays. **Carried.**

**Approval of Bills:**

**Motion** by Kimball to approve Post Approved Bills of \$244,562.86, General Fund Bills of \$128,946.41, Kaliseum Fund Bills of \$5,732.68, Payroll #10 of \$152,494.97, Payroll #11 of \$146,633.20 and Commissioners Per-Diem (\$725.00) and Salary (\$3,200.00) of \$3,925.00. Supported by Martini. Roll call vote: Kimball, yes; Martini, yes; Cox, yes; Ritter, yes; Sexton, yes; Wood, yes; McKinnon, yes. 7 yeas. 0 nays. **Carried.** Chair noted Wood was absent and Kimball replaced Cox for Finance meeting.

**Unfinished Business:**

Energy Efficiency Action Plan Adoption: Patti O'Donnell (Northwest Michigan Council of Governments) requested Board to approve. **Motion** by Wood to insert 5 year period into Energy Plan. Supported by Martini. 7 yeas. 0 nays. **Carried.** **Motion** by Kimball to approve Energy Efficiency Action Plan as amended. Supported by Sexton. 7 yeas. 0 nays. **Carried.** (Copy

not filed with Clerk) O'Donnell advised paperwork will be submitted for reimbursement of \$40,000.00 to county.

**Committee Reports:**

**Budget and Finance:** McKinnon reported request for clarification from VanHorn/Zoning Administrator, as to what funds are available for planning consultant. Discussion. **Motion** by Martini to allow Zoning Administrator to use line item for legal services to fund planning consultant. Supported by Wood. 7 yeas. 0 nays. **Carried.** Chair requested matter involving Register of Deeds and Merit Energy to be returned to Budget and Finance for further review following discussion with Kazim and Register of Deeds. Wood advised request from Register of Deeds to increase Petty Cash. **Motion** by Wood to increase Petty Cash in Register of Deeds to \$75.00. Supported by Kimball. 7 yeas. 0 nays. **Carried.**

**Personnel/Interview:** Sexton reported did not meet as he was not advised of date change. Martini advised applicants for Veteran's Office replacement were present, requested Board to allow Personnel to make decision as position needs to be filled before next meeting. Discussion. **Motion** by Martini for Board to allow Personnel to replace Veteran's Affairs position. Supported by Cox. Discussion. 7 yeas. 0 nays. **Carried.** Sexton advised he would notify Frank to repost Personnel meeting dates.

**County Affairs:** McKinnon reported Michigan Office Solutions, Bruce Smith, provided information of document storage/preservation, other vendors will also present proposals, return to Budget and Finance; review of rental policy and procedures of Kaliseum continues, Phase 2 of Computer system received and to discuss next month.

**Health and Welfare:** Kimball reported did not meet.

**Public Works:** Martini reported request for replacement (safety concerns) of back stops for ball fields, estimate of \$2,700.00. **Motion** by Martini to transfer \$2,700.00 from Contingency Fund to Account 208-691-934.000 for replacement of back stops of ball field. Supported by Wood. 7 yeas. 0 nays. **Carried.** **Motion** by Martini to move Bill Hiller in Construction Codes to Department Head status, with a salary of \$42,981.00. Supported by Sexton. Discussion. Martini advised discussion with Controller indicated Hiller was overdue for consideration and noted funding would be within current budget. Cox cautioned message to other departments. Wood advised Hiller made several changes saving department money and assumed responsibilities, change would move him to non-union status. 7 yeas. 0 nays. **Carried.** **Motion** by Martini to lift hiring freeze for Bill Hiller as Construction Codes Department Head, to advertise for position for Electrical Inspector, conduct interviews and hire replacement for position of Electrical Inspector for 24 hour work week. Supported by Sexton. 7 yeas. 0 nays. **Carried.**

**Judiciary/Public Safety:** No report.

**Recycling/Solid Waste:** No report per Wood.

**Sub-Committees:**

Kimball reported on Parks and Recreation, report from DNR on positive use of trails in county by multiple organizations.

Wood advised/provided history to Board regarding outstanding bill of \$15,000.00 to American Waste, bill was submitted late, Wood does not believe bill is accurate, has discussed with Ed Ascione and would like to resubmit for actual expenses. Consensus Wood to request County Treasurer to resubmit bill for actual expenses.

No other sub-committee reports.

**Correspondence and Resolution:**

Memo from Prosecutor reviewed regarding request to restore funds from budget cuts. (Copy filed with Clerk) Consensus to table pending review with labor counsel.

Chair noted Zoning Administrator report. (Copy filed with Clerk)

Chair requested Board to review request dated June 7, 2011, from Kalkaska County Republican Party regarding fees for pavilion and civic center for July 19, 2011. **Motion** by Wood to waive rental fees for Kalkaska County Republican Party to use the pavilion and Civic Center for 7-19-2011, per June 7, 2011 letter. Supported by Cox. 7 yeas. 0 nays. **Carried.**

**Other Business:**

Chair advised communication from counsel Cohl to meet with full Board 6-23-2011 at 9:30 AM to address contract negotiations of POAM. Discussion. Noted adjournment will be to this date.

Kimball requested Board to allow MSU to utilize old space that was used for Housing Department. Discussion including Housing records remain in that office. Request tabled to review use of current office spaces and removal of Housing records.

Ritter noted he provided Board with correspondence for review regarding information of comparable counties.

**Public Input:**

None.

**Motion** to adjourn at 7:01 PM by Sexton to call of the Chair until June 23, 2011 at 9:30 Am. Supported by Kimball. 7 yeas. 0 nays. **Carried.**

Respectfully submitted:

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

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Stuart McKinnon, Chair Pro-Tem of  
Kalkaska County Board of Commissioners

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

