

Board of Commissioners Minutes
Board Conference Room
December 17, 2009

The regular meeting of the Oceana County Board of Commissioners was called to order by Chairperson Van Sickle in the Board Conference Room on Thursday, December 17, 2009 at 2:00 p.m.

Roll was called by the Clerk. Present: Mr. Malburg, Ms. Kolbe, Mr. Brown, Mr. Powers, Mr. Byl, Mr. Simon, and Mr. Van Sickle. Absent: None.

Moved by Ms. Kolbe and seconded by Mr. Simon to approve the minutes of the November 24, 2009 meeting as presented.

Voice vote. Motion carried.

Correspondence was received from Ms. Sheila Goffe, Government Relations Director, American Kennel Club (AKC), on behalf of concerned dog owners in Oceana County. Recently, concerned dog owners contacted the AKC regarding the proposed dog breeding regulations for Oceana County.

Many aspects of the proposed resolution are vague and unreasonable. For example, a kennel license is required for all residents who have three or more dogs "kept for boarding, breeding, sporting, or training purposes". For someone who only has, for example, three puppies kept for these purposes, building a separate kennel is an unnecessary and unreasonable financial burden. There is no reason these dogs should not be permitted in the person's home.

Furthermore, the proposal requires kennel licensees to be open to inspection "on demand". To require inspections of private property on demand without probable cause is a violation of the Fourth Amendment rights of responsible, law-abiding citizens.

Responsible breeders offer many benefits to the community. The requirements put forth in this proposal create unreasonable hardships for responsible breeders and the community. Effective enforcement of these provisions would require a significant commitment by the county. The strict requirements and personal financial strains created in this proposal would likely force many responsible breeders to give up their dogs to local shelters, where they will be cared for at the taxpayers' expense.

Ms. Goffe respectfully asked the Board to reject the current version of this proposal. The AKC, as well as dog owners and breeders in Oceana County, would be pleased to work with the county to help develop

kennel regulations that are clear, reasonable, and do not violate the rights of responsible citizens simply because they choose to breed or own dogs. The letter is on file in the Clerk's office.

RESOLUTION NO. 1 – LETTER OF AGREEMENT BETWEEN OCEANA COUNTY BOARD OF COMMISSIONERS AND THE OCEANA COUNTY SHERIFF AND THE POLICE OFFICERS ASSOCIATION OF MICHIGAN, OCEANA COUNTY SHERIFF'S DEPARTMENT DIVISION

Moved by Ms. Kolbe and seconded by Mr. Malburg to approve the Letter of Agreement Between the Oceana County Board of Commissioners and the Oceana County Sheriff and the Police Officers Association of Michigan, Oceana County Sheriff's Department Division as it applies to the implementation of a work schedule for the Corrections Officers, Deputy Sheriffs and Sergeants of the Oceana County Sheriff's Department in 2010 and to authorize the Chairperson of the Board, Oceana County Clerk and Oceana County Sheriff to sign the same.

Roll call vote: Ms. Kolbe-yes; Mr. Malburg-yes; Mr. Byl-yes; Mr. Powers-yes; Mr. Brown-yes; Mr. Simon-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 2 – RENEWAL OF ANNUAL AGREEMENT WITH THE MICHIGAN PUBLIC HEALTH INSTITUTE FOR ACCESS TO THE MEDICAL EXAMINER AND CORONER DATA MANAGEMENT SYSTEM (ALCESTIS)

Moved by Ms. Kolbe and seconded by Mr. Byl to renew the annual agreement with the Michigan Public Health Institute (MPHI) for access to and use of the Medical Examiner & Coroner Data Management System (Alcectis), an internet-based data management system that provides medical examiners and coroners with the ability to electronically manage case information at a fee of \$600 per year. Further, the Chairperson of the Oceana County Board of Commissioners is authorized to sign the agreement on behalf of the County of Oceana.

Roll call vote: Ms. Kolbe-yes; Mr. Byl-yes; Mr. Simon-yes; Mr. Brown-yes; Mr. Powers-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 3 – ADOPTION AND APPROVAL FOR EXECUTION OF THE AMENDED CONTRACT FOR A FEDERAL/STATE/LOCAL AIRPORT PROJECT BY AND BETWEEN THE OCEANA COUNTY BOARD OF COMMISSIONERS AND THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) FOR THE PURPOSE OF OBTAINING BLOCK GRANT FUNDS FOR THE INSTALLATION OF AN AUTOMATED WEATHER OBSERVATION SYSTEM (AWOS), AIRPORT CRACK SEALING AND AIRPORT PAVEMENT MARKING

Moved by Mr. Brown and seconded by Mr. Powers to adopt and approve the following Resolution:

BE IT RESOLVED by the members of the Board of Commissioners of Oceana County, Michigan:

Section I. That the Oceana County Board of Commissioners shall enter into amended Contract No. 2008-0494 for a Federal/State/Local Airport Project with the Michigan Department of Transportation (MDOT) for the purpose of obtaining Block Grant funds not to exceed \$68,743.35 from federal and state shares with a County match of \$1,762.65 for the installation of an Automated Weather Observation System (AWOS), Airport Crack Sealing and Airport Pavement Marking as further defined in Contract No. FM 64-01-C11 and Contract No. FM 64-01-C12.

Section II. That the Chairperson of the Oceana County Board of Commissioners is hereby authorized and directed to execute said Contract No. 2008-0494/A1 on behalf of the County of Oceana, Michigan and the Oceana County Clerk is hereby authorized and directed to impress the official seal of the County of Oceana and to attest to said execution.

Section III. That this certified Resolution be attached to and made a part of Contract No. 2008-0494/A1

Roll call vote: Mr. Brown-yes; Mr. Powers-yes; Mr. Malburg-yes; Mr. Byl-yes; Ms. Kolbe-yes; Mr. Simon-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 4 – AGREEMENT BY AND BETWEEN CHANNEL HOUSING MINISTRIES AND OCEANA COUNTY FOR THE ADMINISTRATION OF THE OCEANA COUNTY 2009 HOMEOWNER REHAB/REPAIR PROGRAM

Moved by Mr. Byl and seconded by Ms. Kolbe to enter into an Agreement by and between Channel Housing Ministries (CHM) and the County of Oceana for the purpose of establishing the rights, obligations and responsibilities of the parties with regard to the administration of the 2009 Oceana County Homeowner Rehab/Repair Program by CHM, the agency designated by the County of Oceana to be responsible for administration of said program and the funding associated with the program provided by the Michigan State Housing Development Authority (MSHDA) under Grant # MSC-2009-5825.

Roll call vote: Mr. Byl-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Simon-yes; Mr. Powers-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 5 – RE-ESTABLISHMENT OF THE SENIOR TAX FUND

Moved by Mr. Simon and seconded by Mr. Malburg to re-establish Senior Citizen Tax Fund #275 in accordance with Public Act 39, Acts of 1976 for the purpose of appropriating funds generated from the levy of a special operating millage of .7155 to the Oceana County Council on Aging effective December 1, 2009 for the provision of senior citizens activities and services during the period January 1, 2010 - December 31, 2010 and to authorize the Executive Director of the Oceana County Council on Aging to submit a voucher to the Oceana County Treasurer in order to transfer the millage funds from the County's checking account into Fund #275.

Roll call vote: Mr. Simon-yes; Mr. Malburg-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Powers-yes; Mr. Byl-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 6 – TRANSFER OF FUNDS

Moved by Mr. Simon and seconded by Mr. Malburg to transfer \$17,777.00 from the Parks and Recreation Commissions Appropriation to the Parks and Recreation Commission Fund.

Roll call vote: Mr. Simon-yes; Mr. Malburg-yes; Mr. Byl-yes; Mr. Powers-yes; Mr. Brown-yes; Ms. Kolbe-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 7 – TRANSFER OF FUNDS

Moved by Mr. Simon and seconded by Mr. Brown to transfer \$20,000.00 from the Child Care Appropriations to the Child Care Fund.

Roll call vote: Mr. Simon-yes; Mr. Brown-yes; Ms. Kolbe-yes; Mr. Malburg-yes; Mr. Byl-yes; Mr. Powers-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 8 – TRANSFER OF FUNDS

Moved by Mr. Simon and seconded by Mr. Brown to transfer \$5,000.00 from the General Fund to the Public Improvement Fund.

Roll call vote: Mr. Simon-yes; Mr. Brown-yes; Mr. Powers-yes; Mr. Malburg-yes; Mr. Byl-yes; Ms. Kolbe-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 9 – TRANSFER OF FUNDS

Moved by Mr. Simon and seconded by Mr. Malburg to transfer \$30,000 from the General Fund to the Building Department Fund.

Roll call vote: Mr. Simon-yes; Mr. Malburg-yes; Mr. Powers-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Byl-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 10 – 2009 GENERAL FUND BUDGET AMENDMENT

Moved by Mr. Simon and seconded by Ms. Kolbe to **amend the 2009 Oceana County General Fund Budget from \$9,439,970 to \$9,455,970 as follows:**

INCREASE GENERAL FUND REVENUES AS FOLLOWS:

Increase Oceana County Treasurer Revenue from \$8,271,391 to \$8,287,391 as follows:

Increase 253-402.000 Current Property Taxes from \$5,009,884 to \$5,025,884

INCREASE GENERAL FUND EXPENDITURES AS FOLLOWS:

Increase 430- Animal Control Budget expenditures from \$145,585 to \$161,585 as follows:

Increase 430-977.000 – Machinery and Equipment from \$1,000 to \$17,000

Roll call vote: Mr. Simon-yes; Ms. Kolbe-yes; Mr. Byl-yes; Mr. Malburg-yes; Mr. Powers-yes; Mr. Brown-Yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 11 – REAPPOINTMENT OF DEPUTY EMERGENCY MANAGEMENT COORDINATOR

Moved by Mr. Simon and seconded by Mr. Powers to approve the reappointment of Mr. Jerry Frick, 175 W. Main Street, Walkerville, Michigan as Deputy Coordinator of the Oceana County Office of Emergency Management effective January 1, 2010.

The Deputy Coordinator shall be compensated at the rate of \$15.00 per hour for all hours actually worked not to exceed 166 hours per year and shall receive no fringe benefits; however, the Deputy Coordinator is entitled to reimbursement for all out-of-pocket expenses incurred while on County business plus mileage at the County's current rate for travel costs incurred while on County business.

This appointment will end December 31, 2010 at which time the status of the Deputy Coordinator position may be re-evaluated.

Roll call vote: Mr. Simon-yes; Mr. Powers-yes; Mr. Brown-yes; Ms. Kolbe-yes; Mr. Byl-yes; Mr. Malburg-yes; and Mr. Van Sickle. Absent: None.

Motion carried.

RESOLUTION NO. 12 – AMENDMENT TO THE OCEANA COUNTY DOG KENNEL POLICY

Moved by Ms. Kolbe and seconded Mr. Simon to amend the attached Oceana County Dog Kennel Policy that was established on July 10, 1997 in order to more effectively implement MSA 12.520 – 521; MCL 287.270 – 271 regarding kennels, said statutes being a part of the 1919 Dog Law, Public Act 339 of 1919, as follows:

KENNEL CONDITIONS AND CONSTRUCTION:

- c) The kennel facility shall have a height requirement of 5' 8" or, if less than 5' 8", contain a top covered with good quality chain link or similar material.

Roll call vote: Ms. Kolbe-yes; Mr. Simon-yes; Mr. Brown- yes; Mr. Malburg-yes; Mr. Byl-yes; Mr. Powers-yes; and, Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 13 – BID REQUESTS FOR THE CRYSTAL VALLEY DAM REPAIRS

Moved by Mr. Simon and seconded by Mr. Malburg to authorize the Oceana County Drain Commissioner to request bids for repairs to the Crystal Valley Dam. The scope of work is as follows:

Install 30 lin. ft. of 10' deep sheet piling at the base of spillway apron. Pressure inject grout underneath apron to fill voids. Repair spalling concrete on spillway sidewalls with epoxy mortar. Fill sinkholes and seed bare areas in the vicinity of spillway.

Roll call vote: Mr. Simon-yes; Mr. Malburg-yes; Mr. Byl-yes; Mr. Powers-yes; Ms. Kolbe-yes; Mr. Brown-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 14 – EMS PURCHASE OF TYPE III AMBULANCE

Moved by Mr. Simon and seconded by Mr. Byl to accept the proposal from Emergency Vehicles Plus, 12114 Saline-Milan Road, Milan, Michigan 48160 for the purchase of one Type III Ambulance with 2010 G 4500 Chevrolet Chassis and other options as described in the vendor's proposal for the purchase price of \$127,385 to include delivery and lettering.

Roll call vote: Mr. Simon-yes; Mr. Byl-yes; Ms. Kolbe-yes; Mr. Powers-yes; Mr. Brown-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 15 – EMS REPAIRS TO VEHICLE

Moved by Mr. Simon and seconded by Ms. Kolbe to authorize the repairs in the amount of \$9,028.33 to the 2003 Ford E450 Ambulance, VIN #1FDX E45F 53HA 82457, per the proposal from Marv’s Repair Service, Inc. and to authorize the Oceana County Clerk to make payment for the same upon completion of the repairs and the submission of a valid invoice.

Roll call vote: Mr. Simon-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Byl-yes; Mr. Powers-yes; Mr. Malburg-yes; and Mr. Van Sickle-yes. Absent: None.

Motion carried.

RESOLUTION NO. 16 - REAPPOINTMENT TO OCEANA COUNTY PLANNING COMMISSION

Moved by Mr. Byl and seconded by Ms. Kolbe to reappoint Ms. Anne Soles, 217 Old State Road, Pentwater, Michigan 49449 to the Oceana County Planning Commission for a three-year term effective January 1, 2010.

Voice Vote. Motion carried.

RESOLUTION NO. 17 – APPOINTMENT TO OCEANA COUNTY PLANNING COMMISSION

Moved by Mr. Byl and seconded by Ms. Kolbe to appoint Dr. David Roseman, 4629 N. Ridge Road, Mears, Michigan 49436 and Mr. Walter Salisbury, 3994 E. Brenlor Road, Hesperia, Michigan 49421 to the Oceana County Planning Commission for three-year terms effective January 1, 2010.

Voice Vote. Motion

RESOLUTION NO. 18 - PAYMENT OF CLAIMS

Moved by Mr. Simon and seconded by Mr. Byl to approve the payment of claims in the tentative amounts as follows:

AMBULANCE FUND	\$ 65,403.66
FRIEND OF THE COURT	-0-
PUBLIC IMPROVEMENT FUND	3,685.00
BUILDING DEPARTMENT FUND	13,282.83
CAPITOL PROJECTS – DC	-0-
CAPITOL PROJECTS – SHERIFF	-0-
TOTAL FORECLOSURE FUND	10.00
AUTOMATION FUND R.O.D.	287.63
LOCAL CORR. OFFICERS TRAINING FUND	697.89
DRUG LAW ENFORCEMENT	-0-
GENERAL FUND	<u>419,733.92</u>
TOTAL	\$ 503,100.93


and to authorize the County Clerk to draw warrants and the County Treasurer to pay the same.

Roll call: Mr. Simon-yes; Mr. Byl-yes; Mr. Malburg-yes; Ms. Kolbe-yes; Mr. Brown-yes; Mr. Powers-yes; and Mr. Van Sickle-yes. Absent: None.

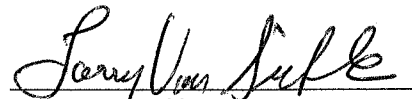
Motion carried.

Chairperson Van Sickle thanked all those individuals involved in the Kennel Policy issue for their concerns and opinions. It has been a learning experience for all and he is hopeful that things can move forward in a positive direction for the community.

Chairperson Van Sickle asked if there was any further business to come before the Board. There being none, the meeting was adjourned at 2:25 p.m.


Rebecca J. Griffin
Oceana County Clerk

12-29-09
Date


Larry Van Sickle, Chairperson