

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting

Monday, January 25, 2010

1:30 PM

The regular meeting was called to order by Chairman Carr at 1:30 p.m.

The meeting opened with the Pledge of Allegiance. Pastor Ryan White from the First Baptist Church in Stanton offered invocation.

Members present at roll call: Commissioners Blanding, Lindeman, Retzloff, Johansen, Paepke, Baker, Carr, Caris and Crouse. Members absent: None.

Others present: Chris Hyzer, Kristen Millard, Tom Sova, Connie & Mike Hoyt, Mike & Jeanne Urbanski, Polly Corbett, Carol Manos, Gabrielle Groot, Lisa Lund, Betty Kellenberger, Ralph Bain, Eileen Burr, Sandy Carlton and Ryan Jeltama.

Moved by Commissioner Paepke, supported by Commissioner Johansen to approve the December 21, 2009, regular meeting minutes and the January 4, 2010, Organizational Meeting minutes as written. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to approve the agenda with the additions under New Business entitled *#3 Ag Tourism Report and #4 entitled Request to Attend Land Use Meeting*. Motion carried.

Public comments were offered. Carol Manos, Grand Rapids, addressed the board regarding the \$350 per month she has been paying for the animals that are being cremated at Sleepy Hollow. She stated that she agreed to pay the fee with the understanding that Montcalm County would be installing a crematorium of their own. She is looking for an answer from the board as to whether they will be moving forward with a crematorium or not.

Eileen Burr, Animal Control Advisory Committee, addressed the board regarding a motion made at the Advisory Board to relieve Carol Manos of paying the \$350 disposal fee to Sleepy Hollow since the Advisory Committee was informed by Chairperson Schuleit that the Board will interest to not move forward with crematorium.

A sample resolution was received from MAC regarding the support of the final report of the Legislative Commission on statutory mandates. MAC is encouraging the Board of Commissioners to adopt a similar resolution. Moved by Commissioner Johansen, supported by Commissioner Lindeman to approve and adopt the sample resolution **RESOLTUION 2010-01: SUPPORTOF THE FINAL REPORT OF THE LEGISLATIVE COMMISSION ON STATUTOARY MANDATES:**

WHEREAS the electorate of the State of Michigan passed an amendment in November 1978 to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS the Headlee Amendment (Article IX, Section 29) states:

"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18." and;

WHEREAS the Headlee Amendment became effective on December 23, 1978; and

WHEREAS the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS the LCSM worked with the Citizens Research Council (issued an analysis of other state's statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- Michigan Association of Counties.
- Michigan Municipal League.
- Michigan Township Association.
- Michigan School Business Officials and Michigan Association of School Administrators.
- Michigan Community College Association.
- County Road Association of Michigan.

WHEREAS the LCSM issued a report in June 2009 entitled "Interim Report of the Legislative Commission on Statutory Mandates" that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS the LCSM has completed its report in December 2009 entitled "Final Report of the Legislative Commission on Statutory Mandates" that reaffirms the Interim Report results and provides recommendations, including but not limited to:

- Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.
- Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.
- Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:
  - A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
  - Require the Court of Appeals to rule on the above within six months of the filing.
  - Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services until such time as the State complies with the Headlee Amendment.

WHEREAS the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009.

NOW THEREFORE BE IT RESOLVED that the Montcalm County Board of Commissioners supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final report.

BE IT FURTHER RESOLVED that the Montcalm County Board of Commissioners approves the release of this resolution to be distributed to the Governor, Legislators, Supreme Court and local units of government legislative boards and executives located within Montcalm County.

Motion carried.

A letter of resignation from the Montcalm County Animal Control Advisory Committee was received from Jeanne Urbanski. Moved by Commissioner Retzloff, supported by Commissioner Paepke to accept Jeanne Urbanski's resignation from the Animal Control Advisory Committee and thank her for her service on the committee. Motion carried.

Chris Hyzer provided the board with a list of Committee appointments that need to be made. Moved by Commissioner Retzloff, supported by Commissioner Blanding to make the following appointments:

**AAA of West Michigan Board of Directors – 2 year term**

Ralph Harrington – 1/31/2012

**Brownfield Authority – 3 year terms**

Mark Christensen – 1/22/2013

S. Michael Scott – 1/22/2013

George Bosanic – 1/22/2013

**Building Board of Appeals – 2 year terms**

Gary Copp – 2/12/2012

James Perry – 2/12/2012

Donald Wilson – 2/12/2012

**Housing Commission – 3 year term**

Christine Poprawski – 2/15/2013

**Montcalm Center for Behavioral Health Board – 3 year terms**

John McCrackin – 3/31/2013

Lorna Grassley – 3/31/2013

Marjorie Sorensen – 3/31/2013

Carol Gerlach – 3/31/2013

**Parks & Recreation Commission – 3 year term**

Bruce Noll – 1/1/2013

Moved by Commissioner Johansen, supported by Commissioner Lindeman to amend the motion to appoint John McCrackin to the Montcalm Center for Behavioral Health Board and return the other three names back to the Behavioral Health Board for a recommendation to appoint two of the candidates, with the explanation that the Board of Commissioners will be appointing another commissioner to serve on the Behavior Health Board. Amendment carried. Original motion carried as amended.

Moved by Commissioner Johansen, supported by Commissioner Retzloff to appoint Commissioner Steven Crouse as a County Commissioner representative to the Montcalm Center for Behavioral Health Board for a period of three years. Motion carried.

Sheriff Barnwell provided the board with Police Protection Contracts for Crystal, Eureka, Montcalm/Sidney Townships and the Village of Sheridan. Moved by Commissioner Retzloff, supported by Commissioner Johansen to approve the Police Protection Agreements with Crystal Township, Eureka Township, Montcalm/Sidney Townships and the Village of Sheridan and allow Chairman Carr to sign them. Motion carried.

Bob Clingenpeel, Commission on Aging Director, provided the board with the Area Agency on Aging of Western Michigan contract for the period of November 23, 2009 to September 30, 2010. Moved by Commissioners Retzloff, supported by Commissioner Johansen to approve the Area Agency on Aging of Western Michigan contract for the period of November 23, 2009 to September 30, 2010m and allow Chairman Carr to sign it. Motion carried.

Chris Hyzer informed the board that the Planning Commission has two vacancies and following the posting two individuals applied. Moved by Commissioner Johansen, supported by Commissioner Retzloff to appoint Charles Hill to the Housing and Human Services Interest position and Lisa Lund to the General Public position on the Montcalm County Planning Commission. Motion carried.

Chris Hyzer informed the board the one application was received for the vacancy on the Solid Waste Committee. Moved by Commissioner Paepke, supported by Commissioner Retzloff to appoint Merrill Johnson to the Solid Waste Committee. Motion carried.

Chris Hyzer informed the board that applications have been received for the vacancies on the Transportation Authority. The districts are as follows:

**5 Positions, terms vary and will be determined by the Board of Commissioners**

**1 – General Public Representative from District 1**

(Geographic boundaries of Eureka, Fairplains Township, Montcalm, Sidney Townships and Douglas Township south of Briggs Road.)

**1 – General Public Representative from District 2**

(Geographic boundaries of Ferris, Crystal, Bloomer, Bushnell, Evergreen, Day Township south of Cannonsville Road, and the City of Stanton and as well as the city of **Carson City**.)

**1 – General Public Representative from District 3**

(Geographic boundaries of Cato and Belvidere Townships and Douglas Township north of Briggs Road, Richland and Home Townships and Day Township north of Cannonsville Road.)

**1 – General Public Representative from District 4**

(Geographic boundaries of Pierson, Maple Valley, Pine, Reynolds and Winfield Townships.)

**1 – General Public Representative from District 5**

(Geographic boundaries of the City of Greenville.)

Moved by Commissioner Johansen, supported by Commissioner Retzloff to appoint Larry Moss as the General Public Representative for District 5 to the Transportation Authority. Motion carried was Commissioner Paepke voting no.

Moved by Commissioner Johansen, supported by Commissioner Retzloff to appoint Franz Mogdis as the General Public Representative for District 1 and Shannon Mary Winnie as the General Public Representative for District 3 to the Transportation Authority. Motion carried with Commissioner Paepke voting no.

Moved by Commissioner Retzloff, supported by Commissioner Johansen to appoint Patricia Hinrichs as the General Public Representative for District 4 to the Transportation Authority. Motion carried with Commissioner Paepke voting no.

Moved by Commissioner Retzloff, supported by Commissioner Paepke to approve consent agenda items 9 through 12 and move stated action:

Scott Minard	Dodge Report, December 2009	Place on file
Controller	Michigan Emergency Management Assistance Compact	Place on file
Controller	Montcalm County Transportation Authority Articles of Incorporation	Place on file
Controller	Jail Inspection Report	Place on file

Motion carried.

Clarification on the January 13, 2010, Animal Control Advisory Committee minutes took place. Chairman Carr stated that he does not feel that any criticism belongs with Chris Hyzer. Commissioner Johansen also stated that while he did speak with Fran Schuleit regarding an incinerator, he at no time told her that the board would not be moving forward with one. No action on an incinerator has taken place at the Economic Development & Physical Resources Committee level, or at the board level.

Moved by Commissioner Retzloff, supported by Commissioner Johansen to allow Mark Bellinger to retain his current level of retirement benefits that were in the COAM contract dated 1/1/10 minus the duty

disability (.077%) and the 60 months benefit (0.45%) with an employee contribution rate of 9.87% when he becomes the Undersheriff. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Lindeman to work with the attorney to draw a contract between the County and Mark Bellinger to purchase 2 years of service if was not retained as Undersheriff. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Lindeman to place the January 4, 2010, Pension Trust Committee minutes on file. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to place the January 11, 2010, Economic Development and Physical Resources Committee minutes on file. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Johansen to allow the Law Enforcement and Courts Committee to proceed in the creation of an ORV ordinance following the steps that are outline in HB 4507. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Blanding to place the January 11, 2010, Law Enforcement & Courts Committee minutes on file. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to reimburse Dave Feldpausch \$250 under the tuition reimbursement program. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow the County Clerk to utilize a temporary part-time employee to complete the data conversion project in the Circuit Court Clerk's office until April 30, 2010, and report back to the committee on April 12, 2010, on the progress. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow Mark Bellinger to continue to receive the monthly credit of \$8.00 multiplied by the number of years of service of the retiring employee (capped at 25 years) towards the premium cost of the County's health insurance plan. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve a clothing allowance for Mark Bellinger for one year in the amount of \$550.00 to be used by December 31, 2010. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve warrant number 012510 in the amount of \$691,813.50. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to place the January 25, 2010, Finance and Personnel Committee minutes on file. Motion carried.

Commissioner Johansen provided the board with an Agriculture Tourism update. Commissioner Johansen presented the board with an MSU – District Coverage map that went into effect December 2009. We are currently awaiting to find out who our District Coordinator will be.

Moved by Commissioner Johansen, supported by Commissioner Lindeman that the Building Official, Scott Minard, and a Commissioner selected by the Economic Development & Physical Resources Committee be allowed and funded to attend a training session on Junk Ordinance, Community Clean-up and Enforcement at the ISD, sponsor by the MLUC on February 17<sup>th</sup>. Program to be presented by MSUE, Kurt Schindler, District Land Use Agent, at a cost of \$55 each with funds to come from the respective training budgets. Motion carried.

Public comments were offered.

Sandy Carlton, Greenville, addressed the board regarding email correspondence that she had sent to the Board Members that she did not see in the board packet. She also addressed that board regarding three kennels in the Animal Shelter that are now required to be left open at all times to keep the animals dry. She stated that animals aren't being given the change to be adopted if they are surrendered by their owners because there isn't any space for them. Ms. Carlton stated that she had sent the board correspondence regarding the Spay/Neuter Express. It is going well. She suggested reducing the licensing fee for spay/neuter animals and significantly increasing those fees for those animals that are not. This would encourage people to have their pets spay or neutered.

Mike Urbanski addressed the board regarding the ventilations system and heat exchanger at the Shelter. He has done some research and the equipment being installed in Ionia County is \$200,000. He does not feel the \$13,000 band aid is out of the question for the Montcalm County Animal Shelter.

Eileen Burr addressed the board regarding the Animal Control Director and Board of Commissioners not being held accountable for the conditions of the shelter.

Jeanne Urbanski addressed the board regarding the rescues pulling away because they didn't want to jump through any more hoops with our shelter. She suggests that the board look at restructuring the staffing of the Animal Shelter and to explore reducing the costs we charge to rescues when they take animals.

Carol Manos addressed the board regarding animal rescues and the need to readdress relationships with Rescue Groups.

Moved by Commissioner Blanding, supported by Commissioner Johansen to ask the Collective Bargaining Committee to open the contracts with the unions to discuss wage freezes. Motion failed.

Moved by Commissioner Retzloff, supported by Commissioner Lindeman to adjourn at 2:49 p.m. Motion carried.

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Kristen Millard, County Clerk

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Patrick Q. Carr, Chairman