

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting

Monday, February 12, 2007

1:00 PM

The regular meeting was called to order by Chairman Carr at 1:00 p.m.

The meeting opened with the Pledge of Allegiance. Pastor Curt Mudget from the Trinity Evangelical Free Church in Stanton offered invocation.

Members present at roll call: Commissioners Walker, Petersen, Retzloff, Johansen, Paepke, Baker, Carr, Caris, and McCrackin. Members absent at roll call: None.

Others present: Kristen Millard, Chris Hyzer, John Berchtold and Shelly Strautz.

Moved by Commissioner McCrackin, supported by Commissioner Petersen to approve the January 22, 2007, regular meeting minutes as written. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Paepke to approve the agenda as presented. Motion carried.

Public comments were offered and none were given.

A request to meet with the Finance Committee was received from Bob Brown, Executive Director of the Montcalm Center for Behavioral Health. Mr. Brown proposes having Jim Wise, CFO of the Montcalm Center, and two or three of the Behavioral Health Board members meet with the Finance Committee regarding the lease contract with Montcalm County. Moved by Commissioner Johansen, supported by Commissioner Petersen to forward the correspondence from the Montcalm Center to the Finance and Personnel Committee. Motion carried.

A request for a Successor Paying Agent Agreement on the Weatherby Drain Bonds, Series 2002, was received from Marc Chambers, Bank of New York. Moved by Commissioner Retzloff, supported by Commissioner Johansen to execute the Successor Paying Agency Agreement for the Bank of New York and authorize the proper signature. Motion carried.

Correspondence was received from Pamela Boody in regards to NIMS courses that are being offered in Stanton. Moved by Commissioner Retzloff, supported by Commissioner Johansen to place the correspondence regarding NIMS courses on file. Motion carried.

Discussion took place on the correspondence item from Montcalm Alliance regarding Sietsema Farm Feeds. Chairman Carr does not believe that Montcalm Alliance should be sending correspondence on behalf of Montcalm County. He believes that the board took action to outline Montcalm Alliance's duties and strictly forbid the Alliance from acting on behalf of Montcalm County. Commissioner Walker stated that the Board of Commissioners adopted a Resolution designating Montcalm Alliance as the economic development agency for the County. Therefore, she does not see a problem with the correspondence that was sent.

Moved by Commissioner Caris, supported by Commissioner Paepke to have Montcalm Alliance attend the next board meeting to discuss whether they have the authority to act on behalf of Montcalm County. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Johansen to approve consent agenda items 4 through 30 and move stated action:

Montcalm Co. Housing Comm.	Letter HUD dated 1/22/07	Place on file
Controller	Homeland Security Grant with W. MI	Place on file
	Shoreline Regional Development Commission	
Cohl, Stoker, et al	New Law – Board of Canvassers	Place on file
Cohl, Stoker, et al	New Law – Road Commission Size	Place on file
Greenville Chamber of Commerce	Check Fraud Program	Place on file
Montcalm Alliance	Support of Conservation Grant Sietsema Farms	Place on file
Montcalm Alliance	Support for Renew Energy Grant Sietsema	Place on file
WMSRDC	Funding for Regional Planner & Coordinator	Place on file
MDOT	Volunteer Driver Grant	Place on file
Kelly Clevenger, et al	Public Viewing Room	Place on file
Commissioner Carr	06-07 Child Care Plan/Budge Approval	Place on file
Kevin Weaver	Animal Control Report December 2006	Place on file
Kevin Weaver	Animal Control Report Year End 2006	Place on file
Marcia Walker	Montcalm Alliance Budget	Place on file
Scott Minard	Dodge Report – January 2007	Place on file
Marcia Walker	COA Oct-Dec 2006 Summary	Place on file
Controller	Addendum to Recycling Serv. Agreement	Place on file
Human Service Coalition	January 9, 2007 minutes	Place on file
Planning Commission	November 20, 2006 minutes	Place on file
Planning Commission	January 22, 2007 minutes	Place on file
MSU Extension Advisory Council	October 18, 2006 minutes	Place on file
Solid Waste Management	December 13, 2006 minutes	Place on file
Solid Waste Management	January 18, 2007 minutes	Place on file
Conservation District	December 12, 2006 minutes	Place on file
District DHS Board	December 21, 2006 minutes	Place on file
Motor Vehicle Accident	January 22, 2007 minutes	Place on file
EightCap, Inc.	December 15, 2006 minutes	Place on file

Motion carried.

Discussion took place regarding the scheduled Executive Session with Bill Barnwell and Andrea Krause. Chairman Carr asked if Sheriff Barnwell had a written legal opinion to provide the board in order to enter into executive session. Mr. Barnwell stated that he was not aware that he needed a written opinion in order to meet with the board under Attorney Client Privilege. John Berchtold stated that under the Open Meetings Act the board can not meet in Executive Session under the Attorney Client Privilege provision unless there is a written legal opinion to review. Sheriff Barnwell stated that there was a miscommunication regarding this issue. He will provide the board with a written opinion and request an executive session at the next board meeting.

Moved by Commissioner McCrackin, supported by Commissioner Paepke to have the Finance and Personnel Committee begin the process to replace Jerry McCoy, Emergency Services Director/Emergency Manager by, 1) conducting a comprehensive needs assessment in preparation for a recruitment profile; 2) conduct an internal/external recruitment; and, 3) consider Dave Feldpausch as one of the candidates. Moved by Commissioner Johansen, supported by Commissioner Paepke to amend the motion as follows: Place a comma after the word profile, insert the word “and” in place of 2), and after the word recruitment insert a period, striking the remainder of the sentence. Amendment carried. The motion as amended now reads: Moved by Commissioner McCrackin, supported by Commissioner Paepke to have the Finance and Personnel Committee begin the process to replace Jerry McCoy, Emergency Services Director/Emergency Manager by conducting a comprehensive needs assessment in preparation for a recruitment profile, and conduct an internal/external recruitment. Motion carried as amended.

Moved by Commissioner McCrackin, supported by Commissioner Paepke that a half day session be conducted on Public Act 390, with the EMS department to coordinate the dates. Motion carried.

Moved by Commissioner McCrackin, supported by Commissioner Paepke that the Health Department present a flu prevention program to county employees and encourage all employees to attend. Motion carried with Commissioner Petersen voting no.

Moved by Commissioner McCrackin, supported by Commissioner Baker to allow county employees to meet with the Health Department for the flu prevention program on county time. Motion carried with Commissioner Petersen voting no.

Moved by Commissioner McCrackin, supported by Commissioner Baker to place the January 22, 2007 Health & Human Services Committee minutes on file. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Johansen to create a sub committee consisting of the Controller/Administrator, Animal Control Director, and John McCrackin to review the County Dog Ordinance. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Paepke to place the February 12, 2007 Law Enforcement and Courts Committee minutes on file. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Baker to allow the Drain Commissioner to exceed the maintenance limitation of \$10,000, under the lake level act #451 of 1994, for installation of a new well to maintain the proper lake level of Indian Lake. Motion carried with Commissioner Carr voting no.

Following the reading of the Economic Development and Physical Resources Committee minutes, discussion took place on whether individual commissioners or board committee's have the authority to assign work to department heads and whether they can unilaterally take a position on behalf of the Board. Chairman Carr stated that he is again asking for direction on how the board wishes to conduct business. He does not feel that any one individual, or a select group of commissioners, can take a position for the full board. He feels the full board needs to take a position on an item before any action is taken at all.

Commissioner Johansen stated that he was just pointing out to the board something that could have a potential impact on the county. He asked that Jerry McCoy review an article and respond back to the committee. Mr. McCoy will not be responding to Verizon on behalf of the county.

Commissioner Petersen stated that he feels there are multiple ways of addressing issues but he feels a flexible system is needed. He stated that flexibility needs to be built into the system so information flows and facts can be gathered.

Commissioner McCrackin stated that committees should be able to ask for, and gather, information prior to a topic being brought before the full board for action.

Commissioner Johansen agreed with Chairman Carr that it is inappropriate for an individual commissioner or a committee to direct a department head to take a stand for the board as a whole. He reiterated that Mr. McCoy was not asked to respond to Verizon, he was merely asked to review an article and respond back to the committee with his thoughts.

Moved by Commissioner Johansen, supported by Commissioner Petersen to place the February 12, 2007 Economic Development and Physical Resources Committee minutes on file. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker that the EMS director be allowed to obtain quotes from the two Ford dealerships in the county for a 2007 4x4 Ford Expedition. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to accept a new classification as a junior appraiser with pay rate \$13.24-\$15.68. (Union approval is needed). Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow the Sheriff to purchase a Detective Vehicle with amount not to exceed \$18,071.99. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to allow the County Clerk to purchase three (3) scanners from CDW-G in amount of \$600 each, plus shipping, with funds to come from the capital bond proceeds. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to use the old commissioner's room for a public viewing room with funds to come from Register of Deeds technology fund. The cost is not to exceed \$10,000 to renovate the room, purchase workstations and wire the room. Moved by Commissioner Baker, supported by Commissioner McCrackin to amend the motion to send this back to Physical Resources for a comprehensive floor plan review.

Discussion took place on the amendment. Commissioner Retzliff stated his concerns regarding the space allocation. The clerk's needs for additional space are still not being considered with this plan. He feels a complete plan needs to be created and adopted before moving forward.

Chairman Carr stated that he does not think this plan would even be considered at this point in time if it weren't for the technology fund money available. He does not feel that this is a long range issue that has even been on the board's radar and that the proposal is being rushed through without regard to how other departments are being affected. Many departments are still not up to full staff and even with the technology fund money, general fund money will need to be spent on the break room and janitorial space. He also stated concerns regarding the clerk's need for additional space still not being addressed.

Johansen stated that the expansion of the clerk's office has driven the entire process. He explained that what would be approved today would be the partitions dividing up the room. Commissioner Johansen also stated that moving the janitorial area has been extensively explored and that that the clerk has informed him that the renovations she would need to convert the old Controller's Office into office space would be minor in cost.

Chairman Carr stated that he spoke with Scott Minard and for approximately \$300 the sinks that are proposed could be relocated so they are not in front of windows. He is concerned that the board has spent a substantial amount of money to restore the Administration Building and now sinks are proposed in front of windows that are right next to an entrance to the building. Chairman Carr also stated that he does not feel that the clerk's space is driving this issue because the moving of the janitorial area isn't even being addressed in this motion. He is concerned as to why this motion isn't a comprehensive plan to include the clerk's space. He believes it is because the Register of Deeds has the technology fund money and therefore the changes she wants made are being fast tracked. He feels the entire plan needs to be addressed by the board, not just a small portion of the total plan.

Chairman Carr also voiced his concern as to why five public search stations are being approved when a study has not been done to prove that that many are needed. He feels that five are being installed because the money is there to install five, not because five are needed.

Commissioner Johansen explained that the drawing designating the janitorial space was presented and approved by the Economic Development and Physical Resources Committee two weeks ago. The Finance Committee was merely approving the funds to complete the plan that was already approved. He also explained that the committee looked everywhere to relocate the janitorial space and the only answer was in the old commissioners room.

Commissioner Baker stated that he wants to send the plan back and have a new plan presented that includes 3 phases: a viewing area; janitorial space and a break-room; and the clerk's space. He also wants the plan to include total cost and layout design. He wants each phase broken down.

Commissioner Retzloff stated that he does not feel the janitorial room that is proposed is big enough for all of the supplies that are needed. He does not want to see partitions put up too soon and not have enough room later.

Roll call vote on amendment: Ayes: Commissioners Retzloff, Johansen, Paepke, Baker, Caris and McCrackin. Nays: Commissioners Petersen, Carr and Walker. Commissioner Petersen challenged the amendment to the original motion citing that the amendment changes the intent of the original motion. Chairman Carr agreed, therefore the amendment was ruled invalid.

The original motion reads: Moved by Commissioner Caris, supported by Commissioner Baker to use the old commissioner's room for a public viewing room with funds to come from Register of Deeds technology fund with cost not to exceed \$10,000 to renovate the room, purchase workstations and wire the room. Roll call vote: Ayes: Commissioners Johansen, Baker, McCrackin, Walker and Petersen. Nays: Commissioners Retzloff, Paepke, Carr and Caris. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to purchase the Barracuda Spam Filtering Unit from Optrics, Inc. for \$3,749.15 which includes 3 years worth of updates and instant replacement and the unit hardware with the funds to come from the capital bond proceeds. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Petersen to approve warrant number 021207 in the amount of \$544,233.09. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Petersen to place the February 12, 2007, Finance and Personnel Committee minutes on file. Discussion took place on the Register of Deeds employee evaluations and whether the board is going to take a position as to whether they want to pursue them. This item will be added to next Finance and Personnel agenda. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Walker to set forth approval to authorize the Parks and Recreation Commission to have a survey and site plan prepared to be used in making a grant application through the Michigan Natural Resources Trust Fund to build a barrier-free fishing pier at Krampe Park. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Walker to approve the three recommendations in regards to the approved by the County attorney; 1) the letter from John Berchtold to the Road Commission concerning Payment of County At-Large Assessments and that it be executed; 2) that the Property Transfer Affidavit be executed; and 3) the Warranty Deed be executed. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Walker to allow the Parks & Recreation Commission to partner with the Pioneer Group to develop a magazine that covers all the County's recreational facilities. Motion failed.

Moved by Commissioner Walker, supported by Commissioner Retzloff to allow the Parks & Recreation Commission to seek proposals to develop a magazine that promotes Montcalm County. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Walker to place the February 6, 2007 Parks & Recreation Commission minutes on file. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Johansen to set the Solid Waste Management Planning Committee goals as follows: 1) Continue increasing the collection of hazardous waste and work towards a permanent facility; 2) Continue the growth of recycling in the county; 3)

Increase the amount of Solid Waste education, including composing and 4) Increase the amount of recycling countywide by 5 percent. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner McCrackin to place the February 8, 2007 Solid Waste Management Planning Committee on file. Motion carried.

Public comments were offered. Lori Wilson, Register of Deeds, addressed the board regarding the public viewing area. She informed the board that the proposal to move mapping and a public viewing area into the old commissioners room has been in the works for at least a year. She also stated that she believes she followed proper board procedure to get this plan to fruition, however if she is doing something wrong, she needs to know that. She is more than happy to follow proper procedure. Ms. Wilson also stated that the action taken today merely allows the technology funds to be used for the floor plan layout that was approved by the Economic Development and Physical Resources Committee.

Ms. Wilson also addressed the employee evaluations. She stated that the first time she ever heard anything about employee evaluations was in the newspaper. After reading the article she initiated a meeting with John Berchtold and personally met with him. At that meeting she expressed her concern that her name appeared in the newspaper prior to anything being communicated with her. Ms. Wilson also informed him that she has never turned evaluations in to the Controller's office and wondered why the topic had just now surfaced. She supplied him with a legal opinion stating that she was not required to turn employee evaluations over to the County Controller and also informed Mr. Berchtold that she would be willing to discuss the issue if she were to receive some type of written communication regarding this issue.

Ms. Wilson informed the board that to this date, she still has not received any communication from Mr. Berchtold. She feels she went above and beyond by going directly to Mr. Berchtold when discovering that evaluations were even an issue, and feels that Mr. Berchtold is remiss in not responding to her request to receive something in writing.

Commissioner Petersen informed the board of the legislative forum on Thursday, Feb. 15th at 7 p.m. at the Sheridan VFW.

Moved by Commissioner Retzloff, supported by Commissioner Petersen to adjourn at 4:05 p.m. Motion carried.

Kristen Millard, County Clerk

Patrick Q. Carr, Chairman