

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting

Monday, March 26, 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. Reverend Bob Goodenough from the Nevins Lake 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, Melvin Bauman and Shelly Strautz.

Moved by Commissioner McCrackin, supported by Commissioner Caris to approve the March 12, 2007, regular meeting minutes as written. Motion carried.

Moved by Commissioner Petersen, supported by Commissioner Johansen to approve the agenda with the additions of #3 under Old Business entitled *Homeland Security Conference* and #1 under Old Business entitled *Employee Evaluations*. Motion carried.

Public comments were offered and none were given.

A report outlining the resolution of audit findings within the Montcalm County Housing Commission's FYE 2004 and 2005 Independent Audit was received from the Montcalm County Housing Commission Task Force. Moved by Commissioner Retzloff, supported by Commissioner Petersen to accept the report from the Montcalm County Housing Commission Task Force and place the correspondence on file. Motion carried.

A recommendation to appoint Mel Molitor to the Behavioral Health Board was received from Bob Brown, Executive Member of the Montcalm Center for Behavioral Health. Mr. Molitor will be appointed to fill the vacancy created when his wife, Abbey Molitor, passed away in November 2006. Moved by Commissioner Retzloff, supported by Commissioner Paepke to accept the Montcalm Center for Behavioral Health's recommendation and appoint Mel Molitor to the Behavioral Health Board. Motion carried.

Correspondence was received from the Montcalm Human Services Coalition regarding smoke free regulations in Montcalm County. The Coalition commended the board for their previous support of the smoke free regulation presented by the Mid Michigan District Health Department and is encouraging the board to continue to pursue the smoke free regulation or a similar action in the future. Moved by Commissioner Retzloff, supported by Commissioner Caris to place the correspondence from the Montcalm Human Services Coalition on file. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Paepke to approve consent agenda items 4 through 19 and move stated action:

Commissioner Petersen	United Way Report	Place on file
Road Comm. For Montcalm County	Warranty Deed – Johnson Rd. Property	Place on file
Controller	Communication to Franz Mogdis,	Place on file
	Montcalm Alliance	
Diane Hamlin	Committee Appointments List	Place on file
Diane Hamlin	Revised By-Laws	Place on file
Community Liaison Committee	February 27, 2007 Minutes	Place on file
Montcalm Conservation District	February 13, 2007 Minutes	Place on file
Law Enforcement & Courts Committee	March 12, 2007 Minutes	Place on file

911 Central Dispatch Authority	February 8, 2007 Minutes	Place on file
SAAC	March 6, 2007 Minutes	Place on file
Soldiers & Sailors Relief Comm.	Meeting Notes from February 22, 2007	Place on file
Montcalm County Housing Comm.	January 16, 2007 Minutes	Place on file
Montcalm County Housing Comm.	February 20, 2007 Minutes	Place on file
Montcalm Center for Behav. Health	January 23, 2007 Minutes	Place on file
Ionia – Montcalm DHS Board	February 15, 2007 Minutes	Place on file
Medical Control Authority	September 20, 2006 Minutes	Place on file

Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Walker to accept \$4,000 from the Solid Waste Management Planning Committee for a recycled fishing dock based on the parameters of educational programs, recycled materials, properly located and engineered to withstand ice and weather conditions on Winfield Lake, Krampe Park. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Walker that the bill in the amount of \$11,569.21 be paid out of the Solid Waste Fund to the Road Commission for Montcalm County with the request that the Road Commission provide a revised plan for the bypass lane and price and that the Road Commission be requested to share in the cost. Chairman Carr ruled the motion invalid due to board action taken at the March 13, 2007 meeting.

Moved by Commissioner Paepke, supported by Commissioner McCrackin to extract \$500.00 out of line item number 255292-816003 – Contract Services and Grants to support the cost of hazardous waste roadside signs. Motion carried. Chris Hyzer, Finance Officer, asked for clarification on the motion. He is to increase line item 255292-816003 by \$500.

Moved by Commissioner Paepke, supported by Commissioner McCrackin to place the March 15, 2007, Solid Waste Management Planning Committee minutes on file. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Petersen to enter into a Public Hearing at 1:30 p.m. for the purpose of the Michigan Natural Resources Trust Fund Grant Application from Krampe Park. Motion carried.

Mr. Mike Balars, Pierson, addressed the board and stated that he feels the dock is a move in the right direction for individuals with disabilities. He feels the barrier free fishing pier will alleviate a lot of frustrations the sportsmen with disabilities encounter.

Dave Bee, WMRPC, was in attendance and available to answer any questions regarding the grant application. He stated that the Board would need to pass a resolution in favor of the project in the amount of \$55,800 and commit to the matching funds in the amount of \$13,950. The remainder of the funds will come from the Natural Resources Trust Fund.

Sheriff Barnwell asked where the matching funds would come from for this grant. Chris Hyzer explained that the Park Commission has funds in its Capitol Improvement Fund, the Timberland RC&D may also contribute, and there is currently \$50,000 available from the sale of county owned land also. Sheriff Barnwell stated that he just did not want to see General Fund dollars spend on this type of project when so there are so many areas within the county where money is needed.

At 1:35 p.m. Melvin Bauman, Vice Chairman of the Michigan Committee for Employer Support of the Guard and Reserve, was in attendance for a Signing Ceremony by the Board of Commissioners. Mr. Bauman presented the board with a Statement of Support for the Guard and Reserves. Also in attendance for the ceremony was Charles Stull, Jail Corrections Officer, and Brian Nicholls, Emergency Medical Services employee. Chairman Carr signed the Statement of Support for the Guard and Reserves and was given a copy of the certificate for framing.

Moved by Commissioner Paepke, supported by Commissioner Walker that Montcalm County based non-profit organizations be charged a weekly rate of \$568.00 and a weekend rate of \$320.00 when renting Ford Lincoln Park during the peak season, June 1 through October 31. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Walker that Montcalm County based non-profit organizations be charged a weekly rate of \$547.00 and a weekend rate of \$175.00 when renting Ford Lincoln Park off-season, November 1 through May 31. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Walker to place the March 20, 2007, Parks & Recreation Commission minutes on file. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Johansen to close the Public Hearing at 2:01 p.m. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Walker to approve and adopt **RESOLUTION 2007-11:**

RESOLVED, that Montcalm County submits a grant application to the Michigan Natural Resources Trust Fund for a barrier free fishing pier at Krampe Park for assistance in the amount of \$41,850.00 with a local match of \$13,950.00 (25% local match) and that Montcalm County supports the project and commits to the project and the local match.

Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Johansen to approve the recruitment brochures, waiver policy, and the intake form as part of the Montcalm County's Animal Control Volunteer Program. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Paepke to adopt the Montcalm County Animal Shelter **RESOLUTION 2007-10:**

WHEREAS, Montcalm County Animal Shelter has a continuing commitment to the animals of Montcalm County, AND;

WHEREAS, Montcalm County Animal Shelter will accept donations to better serve the animals of Montcalm County, AND;

WHEREAS, Montcalm County Animal Shelter is in need of feline donations such as cat litter, canned cat food, dry cat food, cat beds, cardboard tote boxes, AND;

WHEREAS, Montcalm County Animal Shelter is in need of canine donations such as canned and dry dog food, dog leashes, old blankets and rugs for bedding, chew toys, AND;

WHEREAS, Montcalm County Animal Shelter is in need of general supplies such as liquid dish soap, bleach, office supplies, colored copy paper, AND;

WHEREAS, Montcalm County Animal Shelter will accept cash donations for needed goods in accordance with appropriate receipting and accounting procedures, AND;

WHEREAS, Montcalm County Animal Shelter will use the donations for the betterment of the animals in the Montcalm County Animal Shelter,

NOW THEREFORE BE IT RESOLVED, that the Montcalm County Board of Commissioners commends the citizens of Montcalm County who donate to ensure the betterment of the animals in the Montcalm County Animal Shelter.

Motion carried.

Discussion took place regarding Andrea Krause informing the Law Enforcement and Courts Committee that she intends to enter into an agreement with Bounce Back, a bad check program, for her department, and whether or not she has the authority to do so. John Berchtold suggested having the Prosecutor write the board a letter citing the statutory authority that allows her to enter into such agreements without the Board of Commissioners support.

Moved by Commissioner Johansen, supported by Commissioner Petersen to have the Prosecutor write a letter to the board stating she will be starting a bad check program in her department and ask her to cite the statutory authority she has to do so. Motion carried with Commissioner McCrackin voting no.

Moved by Commissioner Retzloff, supported by Commissioner Petersen to place the March 26, 2007 Law Enforcement and Courts Committee minutes on file. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to draft an ordinance amendment with the wording change in the Montcalm County Ordinance No. 5 from Montcalm County Central Dispatch to Montcalm County Equalization Office in Section 6.c. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Baker to obtain information on specifications for air condition units for the administration building with maintenance and building department working in conjunction. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to approve the partnership agreement with other Montcalm County Departments and the Montcalm County Equalization Department concerning aerial mapping. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to acknowledge that the Equalization Department and the Register of Deeds prepare an inter-departmental agreement for the aerial photography. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to place the March 26, 2007 Economic Development and Physical Resources Committee minutes on file. Motion carried.

At 2:24 p.m. Andrea Krause, Sheriff Barnwell, and Undersheriff Burden were in attendance for their request for an Executive Session. Chairman Carr stated that the document the Prosecuting Attorney provided the board was not a legal opinion and therefore he does not feel that it would be appropriate to enter into executive session at this time. He also explained that many of the board members have expressed concern that the topic scheduled to be discussed in executive session is not a topic they feel is necessary to discuss in closed session.

Ms. Krause stated that she feels the topic to be discussed in executive session is exempt under the Open Meetings Act. She asked for clarification as to what the board is looking for in a legal opinion and was informed that her legal opinion must include what will be discussed in closed session and why she feels this topic must be discussed in closed session.

Sheriff Barnwell does not feel comfortable discussing this topic in open session because he feels it is a safety issue for his officers and, if need be, he will come back at a later date. He also stated that he feels the safety of his officers should be a sufficient reason, in and of itself, to go into executive session.

Chairman Carr gave the Prosecutor 30 minutes to prepare a legal opinion to have this topic on the agenda again today. Sheriff Barnwell, Undersheriff Burden and Andrea Krause left the meeting at 2:32 p.m.

Moved by Commissioner Caris, supported by Commissioner Baker to acknowledge in writing the practice regarding the maintenance pager coverage and have the bargaining committee sign the letter of understanding. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to accept the grant from the Greenville Area Community Foundation grant in the amount of \$10,000 for the Montcalm County Sheriff's office to purchase a K-9 police dog, and related equipment and training in accordance with the application submitted. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow the Sheriff to purchase the 2007 Chevrolet Impala from Berger Chevrolet with the state bid price of \$17,589.00. Funds are to come from the Sheriff's sale. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to allow the building department to purchase 4 new computers with monitors. The cost is not to exceed \$5,000.00 with the funds to come from retained earnings. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to have Pat White construct a waiver of liability form for the county ride along program for student interns. Motion carried with Commissioner Paepke voting no.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow the Register of Deeds to purchase a replacement copier/printer/fax machine from Commercial Equipment Company in the amount of \$9,142.00 with the funds to come from the Register of Deeds Technology Fund. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to go with an EMS Director, 3 EMS supervisors and a part-time emergency manager at 16 hours a week. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Petersen to approve warrant number 032607 in the amount of \$386,897.27. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Petersen to place the March 26, 2007, Finance and Personnel Committee minutes on file. Motion carried.

Sheriff Barnwell, Undersheriff Burden and Andrea Krause entered the meeting at 2:58 p.m.

Moved by Commissioner Walker, supported by Commissioner Johansen to enter into Executive Session at 2:59 p.m. for the purpose of Attorney Client Privilege. Roll call vote: Ayes: Commissioners Walker, Petersen, Retzloff, Johansen, Paepke, Baker, Carr, Caris and McCrackin. Nays: None. Motion carried.

The board returned to open session at 3:12 p.m.

Moved by Commissioner Retzloff, supported by Commissioner Paepke to allow the Sheriff to trade in abandoned weapons and purchase other firearms with the proceeds. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to enter into Executive Session at 3:13 p.m. for the purpose of pending litigation. Roll call vote: Ayes: Commissioners Walker, Petersen, Retzloff, Johansen, Paepke, Baker, Carr, Caris and McCrackin. Nays: None. Motion carried.

The board returned to open session at 3:19 p.m.

Moved by Commissioner Retzloff, supported by Commissioner Paepke to have the Controller instruct Lawrence P. Burns, Varnum, Riddering, Schmidt & Howlett, to accept the settlement offer from Metron Integrated Health Systems. Motion carried.

At 2:50 p.m. members of the Sheriff's Posse were in attendance for the presentation of a Resolution. Chairman Carr read and presented the members of the Posse with Resolution 2007-01 and congratulated each of the members for their outstanding accomplishments.

Moved by Commissioner Caris, supported by Commissioner Johansen to increase the registration fee by \$10 for Commissioner Petersen to attend the MEDA conference. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Johansen to allow Commissioner Retzloff to attend the Homeland Security Conference May 8 - 11 in Grand Rapids. Costs are not to exceed \$700. Motion carried.

Commissioner Petersen addressed the board regarding action taken 30 days ago directing the Register of Deeds to turn in her employee evaluations. He has reviewed a copy of the legal opinion both from the Register of Deed's attorney and the Board's attorney, as well as the Attorney General Opinion regarding elected officials not being required to turn in performance evaluations and he feels that the board may have taken the wrong action against the Register of Deeds.

Moved by Commissioner Petersen, supported by Commissioner Retzloff to reconsider action taken at the February 26, 2007 board meeting, instructing the Register of Deeds that she had 30 days to turn in employee performance evaluations. Roll call vote: Ayes: Commissioners Baker, Carr, Petersen and Retzloff. Nays: Commissioners Caris, McCrackin, Walker, Johansen and Paepke. Motion failed.

Moved by Commissioner Paepke, supported by Commissioner Walker to place Mr. Mark Balars on the Parks and Recreation Commission. Motion carried.

Public comments were offered. Commissioner McCrackin reminded the board member that the last class for the NIMS training is this Saturday.

Lori Wilson addressed the board regarding the employee evaluations. She informed the board that a month ago she sent a letter to each board member asking for answers to specific questions regarding employee evaluations and all she was given in return was a statement from the board instructing her to turn the evaluations in within 30 days. She feels that the board's lack of response to her creates a poor working relationship between herself and the board. She would like to attend a meeting and have open dialog with the board regarding this issue.

Moved by Commissioner Retzloff, supported by Commissioner Petersen to adjourn at 3:35 p.m. Motion carried.

Kristen Millard, County Clerk

Patrick Q. Carr, Chairman