

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting  
Monday, April 23, 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 Jamie Nichols from the First Congregational Church in Stanton and Commissioner Caris offered invocation.

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

Others present: Kristen Millard, Chris Hyzer, John Berchtold, Michael Balars, Teresa Good, Richard Reeves, Marcia Sawdy, Dean Petersen, Jean Russman and Shelly Strautz.

Moved by Commissioner McCrackin, supported by Commissioner Paepke to approve the April 9, 2007, regular meeting minutes as written. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to approve the agenda with the addition of #1 under Old Business entitled *Solid Waste Committee Member*. Motion carried.

Public comments were offered and none were given.

Correspondence was received from Kay Shabazz, President of Reaching Out Against Road Rage, (R.O.A.R.R.) requesting participation and support proclaiming the week of July 15 through July 21, 2007 as "Road Rage Awareness Week". Moved by Commissioner Walker, supported by Commissioner Johansen to approve and adopt **RESOLUTION 2007-13 Proclaiming July 15-21, 2007 as "Road Rage Awareness Week"**:

It is with urgency that we continue to persist on getting the message out that "Road Rage Kills" and Only We can prevent it. We must continue to educate our public through our billboards, brochures, literature as well as presentations to our high schools and college students, driver education classes with seminars, conferences, forums, workshops, and by any mean necessary.

WHEREAS, Reaching Out Against Road Rage (R.O.A.R.R.), a non profit (501c3 tax exempt) organization located in Muskegon County, has a mission, which consists of the three P's: prevention of Road Rage; protection and support of victims against Road Rage; and the promotion of live by saving lives; and

WHEREAS, to achieve this mission R.O.A.R.R. is promoting awareness and education on the prevention of Road Rage; working in an effort to reduce the number of incidents; and advocate support and assistance to victims and their families in their recovery process; and

WHEREAS, The National Highway Traffic and Safety Administration (NHTSA) defines Road Rage as "an assault with a motor vehicle or other dangerous weapon by the operator or passenger(s) of another motor vehicle or an assault precipitated by an incident that occurred on a roadway"; and

WHEREAS, a study done by the AAA Foundation indicates that an average of at least 1,500 men, women, and children are injured or killed each year in the United States from the violent acts of Road Rage; and

WHEREAS, R.O.A.R.R. understands that to solve a problem, we must first be aware of the problem. Road Rage is a growing problem in Michigan as well as in our country; and

WHEREAS, R.O.A.R.R. recognizes that young and older drivers face roads of death because of rage in other drivers and themselves; and

WHEREAS, we must stop the killing, injuries, and mental anguish; we must work together as a community; and reprogram the destructive attitudes and behaviors that cause Road Rage.

NOW THEREFORE, BE IT RESOLVED that the organization R.O.A.R.R. Board of Directors, Kay Shabazz, President, and other individuals and organizations are partnered in a "Road Rage Awareness Campaign" to bring closure to the escalating Road Rage problem.

BE IT FURTHER RESOLVED, that the Montcalm County Board of Commissioners support and adopt the week of July 15-21 as "Road Rage Awareness Week".

BE IT FUTHER RESOLVED, that July 15-21, 2007, "Road Rage Awareness Week" and promoting prevention of a dysfunctional act to improve traffic safety.

Motion carried.

Correspondence was received from Thomas Czerwinski, Area Agency on Aging of Western Michigan, regarding FY '08 local match requirements for Federal and State of Michigan funding. The amount due from Montcalm County is \$2,506. Moved by Commissioner Walker, supported by Commissioner Johansen to approve the FY local match requirement for AAAM in the amount of \$2,506. Motion carried.

The County Controller/Administrator presented the Board with a Settlement and Release Agreement with Metron Integrated Health Systems in the amount of \$4,186.84. Moved by Commissioner Retzloff, supported by Commissioner Petersen to approve the Settlement and Release Agreement with Metron Integrated Health Systems in the amount of \$4,186.84 and allow for the appropriate signatures. Motion carried.

The County Clerk presented the board with a Resolution for a partial termination of a Farmland Development Rights Agreement for Sackett Ranch, Inc. The partial termination request meets the requirements for a person essential to the farm and has been approved by the Montcalm County Planning Commission. Moved by Commissioner Johansen, supported by Commissioner Retzloff to approve and adopt **RESOLUTION 2007-14 A PARTIAL TERMINATION OF A FARMLAND DEVELOPMENT RIGHTS AGREEMENT FOR A PERSON ESSENTIAL TO THE FARM:**

WHEREAS, on April 13 2007 the Montcalm County Board of Commissioners received a request from Sackett Ranch for approval to have a certain parcel released from Farmland Development Rights Agreement number 59-56686-123117, which was executed in accordance with the provisions of PA 116 of 1974, commonly known as the Farmland and Open Space Preservation Act ("The Act"); and

WHEREAS, the Montcalm County Planning Commission has reviewed this request and DETERMINED that THE RELEASE IS FOR A PERSON ESSENTIAL TO THE FARM OPERATION according to the definition in The Act; and

WHEREAS, the Montcalm County Board of Commissioners concurs with the Montcalm County Planning Commission and has reviewed this request and DETERMINED that THE RELEASE IS FOR A PERSON ESSENTIAL TO THE FARM OPERATION according to the definition in The Act; and

WHEREAS, the parcel proposed for release from the agreement is two acres in size (cannot exceed two acres); and

WHEREAS, the Montcalm County Board of Commissioners finds that the request for release of the particular parcel is acceptable;

NOW THEREFORE BE IT RESOLVED BY THE MONTCALM COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

(1) That the Montcalm County Board of Commissioners hereby approves the request to release the following described piece of property from said Farmland Development Rights Agreement,

PART OF THE NW ¼ OF SECTION 4, T11N-R6W, DAY TWP., MONTCALM CO., MICHIGAN DESCRIBED AS COMMENCING AT THE NW CORNER SAID SECTION 4; THENCE N 89°-46'-52"E ALONG THE NORTH SECTION LINE, 1936.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°-46'-52"e ALONG THE NORTH SECTION LINE, 274.0 FEET; THENCE S00°-13'-08"E PERPENDICULAR TO THE NORTH SECTION LINE, 318.00 FEET; THENCE S89°-46'-52" PARALLEL WITH THE NORTH SECTION LINE, 274.00 FEET; THENCE N00°-13'-08"W PERPENDICULAR TO THE NORTH SECTION LINE, 318.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 2.00 ACRES, MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHTS OF WAY OF RECORD.

(2) That the Montcalm County Board of Commissioner's hereby CERTIFIES that the parcel is to be released for a person essential to the farm operation as defined in the statute (324.36110. (5) ).

(3) That the Montcalm County Clerk is hereby directed to transmit certified and sealed copies of this resolution to the person making the request and to the Farmland Unit of the MI Dept. of Agriculture.

Motion carried.

Correspondence was received from Teresa Good, AFSCME Local 3067.03 Chapter Chair, requesting to be included in the development of new employee evaluation forms. Moved by Commissioner Retzloff, supported by Commissioner Baker to place the request from AFSCME on file. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Petersen to approve consent agenda items 6 through 11 and move stated action:

County Housing Commission	Letter of Gratitude	Place on file
Controller	NOI – MEDC Grant	Place on file
County Clerk	Resolution 2007-12	Place on file
Brownfield Authority	Minutes, March 16, 2007	Place on file
Solid Waste Committee	Minutes, March 15, 2007	Place on file
Planning Commission	Minutes, March 19, 2007	Place on file

Motion carried.

Moved by Commissioner McCrackin, supported by Commissioner Paepke to accept the Health and Human Services Committee Work Plan as submitted. Motion carried.

Moved by Commissioner McCrackin, supported by Commissioner Paepke that EMS discontinue the Ambu-Cab Service and lay off the full time position on the condition that there is a plan to transfer services in place. Moved by Commissioner Petersen, supported by Commissioner Johansen to postpone action on this motion until May 14, 2007. Motion carried.

Moved by Commissioner McCrackin, supported by Commissioner Petersen to place the April 9, 2007 Health & Human Services Committee minutes on file. Motion carried.

At 1:30 p.m. Richard Reeves, Equalization Director, was in attendance to present the board with the 2007 Equalization Report. Moved by Commissioner McCrackin, supported by Commissioner Paepke to approve and adopt **RESOLUTION 2007-15**:

WHEREAS, the Equalization Department has examined the assessment rolls of the 20 townships and 3 cities within Montcalm County to ascertain whether the real and personal property in the respective townships and cities have been assessed in accordance with MCL 209.5 and 211.34, and

WHEREAS, based on its studies and review, the Equalization Department presented to the Equalization Committee the 2007 Equalization Data that equalizes the townships and cities valuations by adding to or deducting from the valuations of the taxable property in the 20 townships and 3 cities, and amount which represents the 2007 State Equalized Value, and

WHEREAS, the Equalization Committee has reviewed the data, and

WHEREAS, the attached report is the result of the foregoing process.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Montcalm, that the accompanying statements be, and the same hereby are, approved and adopted by the Board of Commissioners of the County of Montcalm as the equalized value of all taxable property, both real and personal, for each of the 20 townships and 3 cities in said County for a property value equalized at \$2,152,247,856 for real, and personal property values equalized at \$129,333,148 for a total equalized value of real and personal at \$2,281,581,004 pursuant to Section 211.34 MCL, of 1948, as amended.

And allow the Chairman and the County Clerk to sign the L4024. Motion carried.

At 1:40 p.m. Justin Irwin and Jason Michalek were in attendance to be presented with resolution acknowledging their achievement of reaching Eagle Scout. Commissioner Retzloff presented Mr. Michalek with his resolution and Commissioner Petersen presented Mr. Irwin with his resolution.

Moved by Commissioner Paepke, supported by Commissioner McCrackin to appoint Mike Chesher as the City Government Representative to the Solid Waste Management Committee. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Johansen that the recycling collection in Eureka Township be discontinued unless the level of collection increases by 2,500 pounds per month over the next 3 months. Moved by Commissioner Petersen, supported by Commissioner Retzloff to amend the motion to strike 3 months and insert 6 months. Amendment carried with Commissioner Paepke voting no. Motion carried as amended.

Moved by Commissioner Paepke, supported by Commissioner Petersen that the SWG budget be amended to provide \$1,200 for printing to be taken from the fund balance. Motion carried.

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

Moved by Commissioner Paepke, supported by Commissioner McCrackin to appoint Don Cooper as the volunteer coordinator for the work at the Johnson Road property. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Walker to tear down the bunk house next to the new cabin as soon as possible and get estimates on building another cabin. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Petersen to place the April 10, 2007 Parks & Recreation Commission minutes on file. Motion carried.

At 2:00 p.m. Dean Peterson and Jean Russman, MDOT, was in attendance to give the board a presentation on county-wide transportation. A list of questions were provided to Mr. Peterson prior to the meeting. Mr. Petersen went through the questions one by one and also provided the board with numbers and comparisons.

Ms. Russman addressed the board and encouraged the board to visit other transit systems prior to jumping into establishing a countywide transit system. She suggests visiting Ionia and Benzie Counties. Both counties provide excellent service and run a very good program. She also informed the board that a good system should have a full time director. Ms. Russman stated that funds are available for a study to be performed.

Moved by Commissioner Johansen, supported by Commissioner Petersen to send a memo to the department heads regarding the space allocation for the parking lot at the administration building and include the phase II diagram. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Walker to register Dan Petersen and Ron Baker to attend the MEDA conference on May 18th. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to place the April 23, 2007 Economic Development and Physical Resources Committee minutes on file. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow the current part time person in the Prosecutor's Office, Sonja Rasmussen, to fill in for a full time employee while they are off on sick leave with funds to come from the following budget adjustment:

Increase	12671-704001	Wages – Part Time	\$2,250.00
Decrease	12672818000	Extraditions	\$1,750.00
Decrease	12672-933000	Office Equip Repair	\$500.00

Motion carried.

Moved by Commissioner Caris, supported by Commissioner Petersen to approve the specifications for a replacement ambulance for EMS as presented by the Operations Manager. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to allow EMS to purchase a new ambulance from McCoy Miller with a price not to exceed \$87,786.00. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to allow Equalization to purchase one copy of Autodesk Raster Design 2007 in the amount of \$2,095 with funds to come from line item 12572-792000 (Printing). Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to approve the payment of 15 vacation days to John Berchtold unless any days are used by May 10th. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to approve warrant number 042307 in the amount of \$989,011.15. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to place the April 23, 2007, Finance and Personnel Committee minutes on file. Motion carried.

John Berchtold provided the board with a list of activities that he worked on in conjunction with other county departments in 2006 and 2007. He will also be compiling a list of outstanding issues.

Moved by Commissioner Caris, supported by Commissioner Paepke to accept the resignation of the County Controller/Administrator, John Berchtold, with his last day being May 10, 2007. Motion carried.

Chairman Carr informed the board that this will be the last board meeting for Mr. Berchtold. He recommends promoting Chris Hyzer to the position of Controller/Administrator and allow Mr. Hyzer to staff the office as he sees fit. Chairman Carr stated that Mr. Hyzer has a strong financial background and will naturally be a strong numbers guy, therefore less emphasis would be put on the administrative side of the position. However, Chairman Carr stated that he feels the county has good, strong department heads that don't need an Administrator looking over their shoulder on a daily basis. He would like Mr. Hyzer to come back to the board with his proposal for the office.

Commissioner Johansen stated he feels very fortunate that the board took the action they did a few years ago in changing the Controller position to that of a Controller/Administrator and adding the position of Finance Officer so that an individual is in place to take over following the Controller/Administrator's resignation. He is thankful that an interim Administrator did not need to be hired. Commissioner Johansen also stated that by the Controller/Administrator following up with some department heads a lot fewer complaints are received by the board, therefore he feels that some department heads do need some oversight.

Commissioner Baker stated that he feels like there needs to be a plan in place for the position of Controller/Administrator and that office prior to filling the position. There should be some direction from the board as to what they expect of that position.

Commissioner Petersen would like the Controller statutes looked at and the laws supporting the position matched up with the duties of the individual filling the position.

Moved by Commissioner Retzloff, supported by Commissioner Paepke to offer the position of Controller/Administrator to the Finance Officer, Chris Hyzer. Motion carried.

Discussion took place regarding residency. Chairman Carr informed the board that Mr. Hyzer is not able to relocate to Montcalm County. He asked if the residency was an issue to any of the board members. The consensus of the board was that residency was not an issue.

Moved by Commissioner Caris, supported by Commissioner Paepke to authorize Chairman Carr to work with Pat White to develop a contract between Montcalm County and Chris Hyzer as the new Controller/Administrator. Motion carried.

Public comments were offered. Connie Smith, MMDHD, addressed the board regarding moving forward with an intergovernmental agreement for a smoke free environment that would make it optional for counties to move forward without other counties.

Teresa Good, asked the board whether or not the AFSCME union's request was approved to participate in the development of a new employee evaluation form. Chairman Carr informed her that the correspondence from AFSCME was placed on file, however public comment is a merely a time for comments, not for question and answer.

Ms. Good thanked John Berchtold for the work he did for Montcalm County. She stated that he was wonderful to work with and thanked him for listening to concerns.

Moved by Commissioner Retzloff, supported by Commissioner Petersen to adjourn at 3:10 p.m. Motion carried.