

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting

Monday, April 26, 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 Kurt Hoffman from Trinity Evangelical 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, Bob Clingenpeel, Tom Sova, Marcia Sawdy, Richard Reeves, Tara Conaway, Janice Williams, Jonelle Ball, Sherma Horrocks, Sherry Mountney, Susan D. Draper, Isabel Kempton, Beth O'Grady, Gisela Peek, Jackie Kemler, Bill Barnwell, Don Cooper, James Freed and Elisabeth Waldon.

Moved by Commissioner Retzloff supported by Commissioner Paepke to approve the March 22, 2010, regular meeting minutes. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to approve the agenda with the addition of #3 under New Business entitled *Sunday Sales of Packaged Liquor*. Motion carried.

Public comments were offered and none were given.

A request to gather at the flag pole to observe the National Day of Prayer was received from Pastor Kurt Hoffman from the Trinity Church in Stanton. Discussion took place as to whether a motion approving requests to gather at the County Buildings are actually necessary or not. Moved by Commissioner Retzloff, supported by Commissioner Crouse to allow member of Trinity Church to gather at the flag pole to observe the National Day of Prayer on Thursday, May 6th. Motion carried with Commissioner Lindeman voting no.

A request to use the Administration Building lawn for a rally on May 24, 2010, at 5:00 p.m. was received from Nancy Valenta, Michigan Education Association. The topic of the rally is school funding. Moved by Commissioner Retzloff, supported by Commissioner Lindeman to place the request from the Michigan Education Association to use the Administration Building lawn for a rally on May 24, 2010, on file. Motion carried.

Correspondence was received from Abraham & Gaffney, P.C. regarding the audits for Montcalm County for years ending September 30, 2010, 2011 and 2012. Moved by Commissioner Retzloff, supported by Commissioner Crouse to approve the engagement letter with Abraham & Gaffney for the audit of Montcalm County for years ending September 30, 2010, 2011 and 2012. Motion carried with Commissioner Lindeman voting no.

Commissioner Johansen addressed a letter received from Cindy Stratton, Edmore, regarding treatment her mother received at the Animal Shelter while trying to donate items. Moved by Commissioner Johansen, supported by commissioner Blanding to have the County Controller investigate the allegations in Ms. Stratton's letter and send Ms. Stratton a letter in response. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Lindeman to approve consent agenda items 4 through 12 and move stated action:

Scott Minard	Dodge Report, March 2010	Place on file
Controller	Addendums to Recycling Service Agreement	Place on file
Controller	DELEG Contract	Place on file
Controller	Cindy Stratton, Incident at Animal Control	Place on file
Controller	DELEG, Reynolds Township, Application to Administer And Enforce Michigan Building, electrical, Mechanical And Plumbing Codes	Place on file
Controller	Department of Natural Resources & Environment Krampe Park Accessible Fishing Pier	Place on file
Controller	Department of Transportation, MDOT Project Authorization 2007-0263-Z5	Place on file
Controller	Collective Bargaining Minutes, April 12, 2010	Place on file
Controller	Parks & Recreation Commission Minutes, April 6, 2010	Place on file

Motion carried.

At 1:45 p.m. Tara Conaway was in attendance representing the Montcalm County Public Libraries to ask the Board to approve revised ballot language and place it on the August 3, 2010, Primary Election.

Ms. Conaway explained to the board that they have modified the term of the ballot question from 20 years to 10 years. Chairman Carr explained that he still has concern regarding the term of the millage being 10 years. Ms. Conley explained that 10 and 20 years terms are the norm for library millages.

Moved by Commissioner Baker, supported by Commissioner Caris to approve and adopt **RESOLUTION 2010-09** and authorize it to be placed on the August 3, 2010, Primary Election ballot:

WHEREAS, the Montcalm County ("County") Board of Commissioners as the powers granted 1851 Act 156; including the authority to levy a tax to raise funds permitted and authorized by law; and

WHEREAS, in 1990, the County placed a proposal on the ballot to provide funds for local public libraries in Montcalm County; and

WHEREAS, the Board of Commissioners determines that it is in the best interests and welfare of the County and its residents that revenue be authorized for the purpose of providing funds for all library purposes authorized by law for the following public libraries located in Montcalm County: The Carson City Public Library, Flat River Community Library, Home Township Library, Reynolds Township Library, Tamarack District Library, and White Pine Library; therefore, the County has determined to request from voters of the County a millage of .5 mill subject to applicable Headlee rollbacks, of which .4407 mill is a renewal of the millage rate that expired in 2009 and .0593 mill is new additional millage to restore the millage rate previously authorized and to provide additional funds, for a period of ten (10) years, beginning with the 2010 levy; and

WHEREAS, the Board of Commissioners determines that it is in the best interests of the County that such millage be voted on at an election to be held in the County on August 3, 2010.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The County Board of Commissioners resolves to present to the electors of Montcalm County the renewal and increase of ad valorem taxes as described in the millage language attached as Exhibit A at the August 3, 2010 election; and
2. The Chairman of the Board is authorized and directed to promptly submit this resolution along with the above ballot language to the County Clerk for inclusion on the August 3, 2010 ballot.
3. Further, any resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are hereby rescinded.

Shall the tax limitation imposed under Article IX, Sec. 6 of the Michigan Constitution be increased on all taxable real and tangible personal property in the County of Montcalm, in an amount not to exceed .5 mill (\$.50 on each \$1,000.00 of taxable value) for a period of ten years, 2010 to 2019 inclusive, of which .4407 millage to restore the full amount of the previously authorized millage, for the purpose of providing funds for all library purposes authorized by law for the following public libraries located in Montcalm County: the Carson City Public Library, Flat River Community Library, Home Township Library, Reynolds Township Library, Richland Township Library, and White Pine Library; and shall the County levy such millage for said propose; the estimate of the revenue the County will collect if the millage is approved and levied in the 2010 calendar year is approximately \$880,000.

A portion of the revenue collected may be required to be distributed to the Village of Edmore Downtown Development Authority, the Crystal Township Downtown Development Authority, the City of Greenville Local Development Financing Authority and the City of Greenville Tax Increment Finance Authority.

Motion carried with Commissioner Paepke voting no.

At 1:54 p.m. Richard Reeves, Equalization Director, was in attendance to present the board with the 2010 Annual Equalization Report. Moved by Commissioner Retzloff, supported by Commissioner Johansen to approve and adopt **RESOLUTION 2010-10, Resolution to Adopt the 2010 County Equalization Report as Submitted with the Accompanying Statements:**

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 2010 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 the 2010 State Equalized Value; and

WHEREAS, the Equalization Committee has reviewed the data; and

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

THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Montcalm, that has 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. All real property value equalized at \$2,034,517,226 and personal property values equalized at \$178,711,835 for a total equalized value of real and personal property at \$2,214,229,061 pursuant to Section 211.34 MCL, of 1948, as amended.

Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Johansen to allow Chairman Carr to sign the L-2024 as submitted by Richard Reeves, Equalization Director. Motion carried.

At 2:15 p.m. Marcia Sawdy, County Treasurer, was in attendance to present the board with Resolutions on behalf of Cato, Fairplain, Maple Valley & Pine Townships, as well as the Maryknoll Cemetery, which would allow the County Treasurer to return perpetual care money. Moved by Commissioner Retzloff, supported by Commissioner Johansen to approve and adopt the following **RESOLUTIONS**:

2010-11 CATO TOWNSHIP

WHEREAS, Cato Township has deposited perpetual care funds with the Montcalm County Treasurer for investment for the Cato Township Cemetery, and

WHEREAS, Cato Township has requested that these funds be returned to Cato Township so they may be included with their existing perpetual care fund, and

WHEREAS, Cato Township is knowledgeable of the proper investment requirements of Act 20 PA 1943, as amended (MCL 129.91).

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

- (1) That the Montcalm County Treasurer shall return the principal amount of \$525.00, held in the county perpetual care fund, to Cato Township.
- (2) Upon receipt of the funds from the Montcalm County Treasurer, the Cato Township Treasurer, shall make a proper investment of this perpetual care money by adding the amount to their existing perpetual care investment. The principal shall be permanently retained and only the interest earned may be used for the care and maintenance of the cemetery.

2010-12 FAIRPLAIN TOWNSHIP

WHEREAS, Fairplain Township has deposited perpetual care funds with the Montcalm County Treasurer for investment for the Fairplain Cemetery, and

WHEREAS, Fairplain Township has requested that these funds be returned to Fairplain Township so they may be included with their existing perpetual care fund, and

WHEREAS, Fairplain Township is knowledgeable of the proper investment requirements of Act 20 PA 1943, as amended (MCL 129.91).

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

- (1) That the Montcalm County Treasurer shall return the principal amount of \$50.00, held in the county perpetual care fund, to Fairplain Township.
- (2) Upon receipt of the funds from the Montcalm County Treasurer, the Fairplain Township Treasurer, shall make a proper investment of this

perpetual care money by adding the amount to their existing perpetual care investment. The principal shall be permanently retained and only the interest earned may be used for the care and maintenance of the cemetery.

2010-13 MAPLE VALLEY TOWNSHIP

WHEREAS, Maple Valley Township has deposited perpetual care funds with the Montcalm County Treasurer for investment for the Coral Cemetery & the Trufant Cemetery, and

WHEREAS, Maple Valley Township has requested that these funds be returned to Maple Valley Township so they may be included with their existing perpetual care fund, and

WHEREAS, Maple Valley Township is knowledgeable of the proper investment requirements of Act 20 PA 1943, as amended (MCL 129.91).

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

- (1) That the Montcalm County Treasurer shall return the principal amount of \$1,350.00 for the Coral Cemetery & \$625.00 for the Trufant Cemetery, held in the county perpetual care fund, to Maple Valley Township.
- (2) Upon receipt of the funds from the Montcalm County Treasurer, the Maple Valley Township Treasurer, shall make a proper investment of this perpetual care money by adding the amount to their existing perpetual care investment. The principal shall be permanently retained and only the interest earned may be used for the care and maintenance of the cemetery.

2010-14 MARYKNOLL CEMETERY

WHEREAS, St. Mary/St. John the Baptist Parishes has deposited perpetual care funds with the Montcalm County Treasurer for investment for the Maryknoll Cemetery, and

WHEREAS, St. Mary/St. John the Baptist Parishes has requested that these funds be returned to St. Mary/St. John the Baptist Parishes so they may be included with their existing perpetual care fund, and

WHEREAS, St. Mary/St. John the Baptist Parishes is knowledgeable of the proper investment requirements of Act 20 PA 1943, as amended (MCL 129.91).

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

- (1) That the Montcalm County Treasurer shall return the principal amount of \$1,050.00 for the Maryknoll Cemetery, held in the county perpetual care fund, to St. Mary/St. John the Baptist Parishes.
- (2) Upon receipt of the funds from the Montcalm County Treasurer, the Nancy Woodcock, Pastoral Director, shall make a proper investment of this perpetual care money by adding the amount to their existing perpetual care investment. The principal shall be permanently retained and only the interest earned may be used for the care and maintenance of the cemetery.

2010-15 PINE TOWNSHIP

WHEREAS, Pine Township has deposited perpetual care funds with the Montcalm County Treasurer for investment for the Riverside Cemetery & the West Pine Cemetery, and

WHEREAS, Pine Township has requested that these funds be returned to Pine Township so they may be included with their existing perpetual care fund, and

WHEREAS, Pine Township is knowledgeable of the proper investment requirements of Act 20 PA 1943, as amended (MCL 129.91).

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

- (1) That the Montcalm County Treasurer shall return the principal amount of \$760.00 for the Riverside Cemetery & \$1,000.00 for the West Pine Cemetery, held in the county perpetual care fund, to Pine Township.
- (2) Upon receipt of the funds from the Montcalm County Treasurer, the Pine Township Treasurer, shall make a proper investment of this perpetual care money by adding the amount to their existing perpetual care investment. The principal shall be permanently retained and only the interest earned may be used for the care and maintenance of the cemetery.

Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Blanding that the Controller respond back to Reynolds Township expressing that there has been no interest from other townships regarding the Road Commission membership and the Board will not explore the topic further at this time. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to place the April 12, 2010, Economic Development and Physical Resources Committee minutes on file. Motion carried.

Moved by Commissioner Lindeman, supported by Commissioner Johansen to approve the Commission on Aging ballot language that was presented with an increase to a .45 millage for four (4) years, and have the language placed on the August 3, 2010, ballot:

This millage will allow the County of Montcalm, Michigan to continue to levy the previous voted increase in the constitutional tax rate limitation on general ad valorem taxes of 0.2433 mills and to levy an additional 0.2067 (including 0.0067 mills lost as a result of the "Headlee" reduction) to provide funds for the Montcalm County Commission on Aging for Senior Citizen Services.

Shall the constitutional tax rate limitation on general ad valorem taxes within the County of Montcalm, Michigan, be increased by 0.45 mills (\$0.45 per \$1,000) on the taxable value of such property, subject to reduction as provided by law, for a period of four (4) years, 2010 through 2013, both inclusive, to provide funds for The Commission on Aging for Senior Citizen Services within the County of Montcalm, Michigan (such increase is estimated to provide revenues of approximately \$750,000 in 2010 and includes a renewal of previously authorized millage in the amount of 0.2433 mills and a

new additional millage of 0.2067 mills (including 0.0067 mills lost as a result of the "Headlee" reduction)?

To the extent required by law, a portion of this millage will be captured by and retained by the Village of Edmore Downtown Development Authority, The Crystal Township Downtown Development Authority, the City of Stanton Downtown Development Authority, the City of Greenville Local Development Financing Authority and the City of Greenville Tax Increment Finance Authority.

Motion carried.

Moved by Commissioner Lindeman, supported by Commissioner Paepke to approve the Health and Human Services work plan for 2010. Motion carried.

Moved by Commissioner Lindeman, supported by Commissioner Paepke to place the April 12, 2010, Health & Human Services Committee minutes on file. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Blanding to allow Animal Control to hold a rabies clinic once a year at the Animal Control facility. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Blanding to allow the Animal Control Department to have extended hours on Wednesdays from March 1st through September 1st from 12:30 p.m. to 7:00 p.m. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Blanding to allow Animal Control to allow adoptions and transfers by 501(c)(3) organizations and state registered animal shelters by appointments between 8:00 a.m. – 11:30 a.m. Monday through Friday.. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Blanding to place the April 12, 2010, Law Enforcement and Courts Committee minutes on file. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow the Sheriff to refill the Patrol Lieutenant position and subsequent Sergeant and Deputy positions created by the retirement of Lt. Karl Kluwe. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve the bids from Alert for \$12,752.96 for the rescue accessories, Fremont Ford for \$25,975 for the rescue vehicle, and Hamblin for \$3,962.03 for the rescue module. Moved by Commissioner Retzloff, supported by Commissioner Lindeman to amend the motion to remove the awarding of the bid to Alert for \$12,752.96 for the rescue accessories. Amendment carried. Original motion carried as amended.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow EMS to purchase the 2010 Chevy chassis from MFR for \$32,000 for the remounting of the Alpha 7 unit and to review the remount process in June. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve the purchase of the Dell PowerEdge R510 server for \$4,659.20 for EMS. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve **RESOLUTION 2010-16, Perry Drain Bonds, Series 2010:**

WHEREAS, proceedings have been taken by the Montcalm County Drain Commissioner for the construction of improvements to the Perry Drain (the "Project") under the provisions of Chapter 8 of the Drain Code of 1956, as amended, pursuant to a petition filed with the Drain Commissioner; and

WHEREAS, in order to pay for the costs of constructing the Project, the Drain Commissioner has authorized and provided for the issuance by the Perry Drain Drainage District (the "Drainage District") of bonds designated "Perry Drain Bonds, Series 2010" (the "Bonds") in the aggregate principal amount of not to exceed \$385,000, maturing on June 1 in each of the years 2011 through 2017, inclusive, and bearing interest at a rate not to exceed 6% per annum, in anticipation of the collection of an equal amount of special assessments against property and public corporations (including the County of Montcalm) in the Drainage District, said special assessments having been duly confirmed as provided in the Drain Code; and

WHEREAS, the Drain Commissioner deems it advisable and necessary to obtain from this Board a resolution consenting to the pledge of the full faith and credit of the County on the Bonds; and

WHEREAS, the Project is necessary to protect and preserve the public health and therefore it is in the best interest of the County of Montcalm that the Bonds be sold.

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

1. That pursuant to the authorization provided in Section 276 of the Drain Code of 1956, as amended, provided that the Bonds are issued within the parameters set forth above, the Montcalm County Board of Commissioners does hereby irrevocably pledge the full faith and credit of the County of Montcalm for the prompt payment of the principal of and interest on the Bonds, and does agree that in the event that the property owners or public corporations in the Drainage District shall fail or neglect to account to the County Treasurer of the County of Montcalm for the amount of any special assessment installment and interest, when due, then the amount thereof shall be immediately advanced from County funds, and the County Treasurer is directed to immediately make such advancement to the extent necessary.
2. That in the event that, pursuant to said pledge of full faith and credit, the County of Montcalm advances out of County funds, all or any part of said installment and interest, it shall be the duty of the County Treasurer, for and on behalf of the County of Montcalm, to take all actions and proceedings and pursue all remedies permitted or authorized by law for the reimbursement of such sums so paid.
3. That the County Treasurer is authorized, if necessary, to file an application for approval of the Bonds with the Michigan Department of Treasury.
4. That all resolutions and part of resolutions, insofar as the same may be in conflict with the provisions of this resolution, be and the same hereby are rescinded.

Roll call vote: Ayes: Commissioner Paepke, Caris, Crouse, Lindeman and Johansen. Nays: Commissioners Baker, Carr, Retzloff and Blanding. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve the staff reduction within Commission on Aging of the Project Aide position. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve Commission on Aging to hire one part time site hostess up to 30 hours per week for the meal program. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve the purchases of .NET system software for the Treasurer, Equalization, Animal Control and the Drain Commission in the amount of \$44,380.00, plus annual service and support costs of \$12,525 per year for all 6 modules, with the Controller exploring discounts with BS&A. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve the purchase of a Dell PowerWedge R510 Server to be used for the .NET system software for Treasurer, Equalization, Animal Control and the Drain Commission in the amount of \$7,529.690, along with 7 new workstations for the Treasurer's office in the amount of \$7,843.85. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Lindeman to approve warrant number 032210 in the amount of \$190,151.15 and warrant number 0411210 in the amount of \$346,035.72. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to place the April 12, 2010 Finance and Personnel Committee minutes on file. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Lindeman that Donald Smith's application be accepted to serve on the Solid Waste Management Committee, filling the General Public open position. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Crouse to have the Resource Recovery Educator send out bids for the disposal of tires, batteries and electronic for the June 5, 2010, Household Hazardous Waste Collection. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Lindeman to place the April 15, 2010, Solid Waste Management Planning Committee minutes on file. Motion carried.

Chris Hyzer informed the Board that work has started on the Drain Commission chimney. The chimney will have to be completely rebuilt. Chris will work with Jim Osborne on getting this project completed.

Chris Hyzer informed the board that a stage one air quality assessment will take place prior to any testing in the Administration Building. Moved by Commissioner Johansen, supported by Commissioner Lindeman to allow the Controller to contact with Soils and Materials Engineering for a stage one assessment in the amount of \$2,300. Motion carried.

Chris Hyzer informed the board that there is interest in the remaining \$2.2 million in Recovery Act Bonds available. Carson City has expressed interest, as well as the City of Greenville. Chris recommends sending letters to the municipalities asking for the details on their projects.

Chris Hyzer informed the Board the Montcalm County was not granted the Brownfield Grant again this year.

Commissioner Retzloff informed the board that Representative Huckleberry contacted him requesting assistance in allowing Sunday sales of packaged liquor in Montcalm County. According to Commissioner Retzloff's research, there are two ways to approach this topic. First would be for the County Board to

pass a resolution, and then in turn each municipality would also need to pass a resolution to allow liquor sales in their jurisdiction. The other method of legalizing Sunday liquor sales would be to place a ballot proposal on a ballot. Commissioner Retzloff will continue to research the topic and present it to the Law Enforcement and Courts Committee for their recommendation.

Public comments were offered. Richard Reeves brought information back to the board regarding the Equalization Report.

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

Kristen Millard, County Clerk

Patrick Q. Carr, Chairman