

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting

Monday, December 18, 2006

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 Jeff Wilhelm from Mt. Calvary Lutheran Church in Greenville offered invocation.

Members present at roll call: Commissioners Walker, Petersen, Retzloff, Johansen, Paepke, Carr, Caris and McCrackin. Members absent at roll call: Commissioner Baker.

Others present: Kristen Millard, Chris Hyzer, Franz Mogdis, John Berchtold, Ryan Jeltema and many audience members.

Moved by Commissioner McCrackin, supported by Commissioner Caris to approve the December 4, 2006, regular meeting minutes as written. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Caris to approve the agenda with the addition of #4 under New Business entitled *Housing Commission Ad Hoc Committee*. Motion carried.

Public comments were offered.

Mark Rambo, Howard City Village Manager, addressed the board and informed them that the Howard City Village Council is in support the countywide transportation proposal. He encourage the board to also support the proposal.

Lisa Lund, Montcalm Human Services Coalition, addressed the board and expressed support of the efforts of the Transportation Commission's proposal for a countywide transit system.

John Kroneck, Wellness and Prevention Director, addressed the board and expressed his support of both the transportation initiative and also the Health Department's smoke free initiative.

Jodi Faber from Spectrum Health United Memorial addressed the board in support of the smoke free initiative. She stated that the United Memorial campus went smoke free and there have been no negatives effects from the action, only positives. She also stated that she is in support of the transportation initiative.

Chuck Cross, Greenville Area Business Owner, addressed the board and stated that he feels it should be his prerogative as to whether his business is smoke free or not. He does not feel that government should tell him how to run his business. If he wishes to allow smoking and someone does not want to be exposed to second hand smoke then they have the right to do business with one of his competitors. Mr. Cross also stated that he is a non smoker.

Connie Smith, Mid Michigan District Health Department, stated that she supports a smoke free work environment. The purpose is to protect others from a known carcinogen and eliminate public exposure to second hand smoke, which is scientifically proven to be dangerous.

Bob Brown, Director of the Montcalm Center for Behavior Health, addressed the board and expressed his support for both the smoke free work environment and the transportation initiative.

Amendment 2006-2 to the County of Montcalm Pension Plan was received from Timothy Tornga, Varnum, Riddering, Schmidt, Howlett. The amendment reflects changes for those participants who are members of the FOP. Moved by Commissioner Retzloff, supported by Commissioner Petersen to approve and adopt Amendment 2006-2 to the County of Montcalm Pension Plan and authorize the appropriate signatures. Motion carried.

A list of remaining committee appointments was received from John Berchtold. Moved by Commissioner Retzloff, supported by Commissioner Paepke to make the following appointments:

| <u>Committee</u> | <u>Member</u> | <u>Expiration</u> |
|---------------------|--------------------------|-------------------|
| Planning Commission | Phil Lund | December 31, 2009 |
| | Franz Mogdis, (Chairman) | December 31, 2009 |

Moved by Commissioner Petersen, supported by Commissioner Johansen to amend the motion to appoint Dr. Kurt Andersen as a Deputy Medical Examiner, term expiring December 31, 2007. Moved by Commissioner Petersen, supported by Commissioner Paepke to amend the amendment to appoint Commissioner Johansen to the Planning Commission, term expiring 2008. Amendments carried. Original motion carried as amended.

The 2006 Year End Report was received from the Parks and Recreation Commission. Moved by Commissioner Walker, supported by Commissioner Paepke to approve the 2006 Year End Parks & Recreation Commission Report. Motion carried.

Jerry McCoy presented the board with a resolution authorizing an intergovernmental agreement for Homeland Security Grant funds. Moved by Commissioner Retzliff, supported by Commissioner Paepke to approve and adopt **RESOLUTION 2006-36:**

BE IT RESOLVED, that Patrick Q. Carr, Chairman of the Montcalm County Board of Commissioners, is hereby authorized to execute an Intergovernmental Agreement, between West Michigan Shoreline Regional Development Commission (WMSRDC) and Montcalm County regarding the Homeland Security Grant Program.

And authorize Chairman Carr to sign it. Motion carried.

Correspondence was received from Salvatore W. Pirrotta, Miller Johnson, regarding a demand for medical treatment under MCL 801.4. Mr. Pirrotta is requesting payment of medical bills for an inmate that received treatment from Metron Integrated Health Services. Moved by Commissioner Retzliff, supported by Commissioner Johansen to place the letter from Mr. Pirrotta on file while the County's counsel reviews this subject. Motion carried.

Correspondence regarding NIMS compliance was received from Montcalm County Emergency Services. Currently nearly all commissioners are in need of NIMS courses. Emergency Services is willing to host NIMS classes in a classroom setting as opposed to commissioners taking the classes on the internet. Moved by Commissioner Retzliff, supported by Commissioner Paepke to request Mr. McCoy reschedule all NIMS training classes for Commissioners so they may become NIMS compliant. Motion carried.

Moved by Commissioner Retzliff, supported by Commissioner Petersen to approve consent agenda items 7 through 27 and move stated action:

| | | |
|------------------------------|--|---------------|
| Controller | Letter to Village of Lakeview – Fresh Drain | Place on file |
| Controller | Letter to Robert Brown, Montcalm Center | Place on file |
| Chris Hyzer | 2007 Remonumentation Grant Application | Place on file |
| MDOT | Van Agreement | Place on file |
| Kim Singh, MMDHD | Letter from Paul Bonis, Spectrum Health | Place on file |
| Bill Barnwell, Sheriff | Police Protection Agreement – Eureka Twp. | Place on file |
| County Clerk | Master Agreement Resolution – Transportation Grant | Place on file |
| US Dept. of HUD | Housing Commission Audits 2004 & 2005 | Place on file |
| Kevin Weaver, Animal Control | November 2006, Monthly Report | Place on file |
| Scott Minard, Building Dept. | November 2006, Dodge Report | Place on file |
| Ionia Montcalm DHS Board | Minutes, October 19, 2006 | Place on file |
| Montcalm Cnt Beh. Health | Minutes, October 24, 2006 | Place on file |
| MI Northern Counties Assn. | Minutes, October 16, 2006 | Place on file |
| Timberland RC&D Council | Minutes, October 4, 2006 | Place on file |
| Parks & Recreation | Minutes, September 20, 2006 | Place on file |
| Parks & Recreation | Minutes, October 3, 2006 | Place on file |
| Parks & Recreation | Minutes, November 7, 2006 | Place on file |
| Mont. Human Serv. Coalition | Minutes, November 7, 2006 | Place on file |
| Law Enforcement & Courts | Minutes, December 4, 2006 | Place on file |
| Montcalm Substance Abuse | (Draft) Minutes, December 5, 2006 | Place on file |
| CAMWC | Minutes, October 2, 2006 | Place on file |

Motion carried.

Sheriff Barnwell provided the board with Police Protection Agreements with Montcalm and Sidney Townships; the Village of Sheridan; and Crystal Township. Moved by Commissioner Retzliff, supported by Commissioner

Johansen to approve the Police Protection Agreements with Montcalm and Sidney Townships, Village of Sheridan, and Crystal Township and authorize the Chairman to sign them. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Retzloff to place the November 2, 2006 Health & Human Services Committee minutes on file. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Retzloff to move \$200.00 from the Contingency Fund to Solid Waste Advertising. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Walker to authorize a grant in the amount of \$12,000 to the City of Greenville to offset the cost of a recycling program. Reports of materials collected by weight and time should be submitted to the Solid Waste Educator on a quarterly basis. This grant is based upon a recycling program being in effect with the City of Greenville's waste hauler. This funding will occur in the FY 2006-2007. Motion carried with Commissioners Petersen and Carr voting no.

Moved by Commissioner Paepke, supported by Commissioner Johansen to support the appropriate funding, not to exceed \$250.00, to remove the Montcalm County Michael Recycle logo from the RWG truck. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Petersen to approve a recycling site in Eureka Township starting the second Tuesday in February 2007 at a cost not to exceed \$1,000 per month. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Petersen to place the December 13, 2006 Solid Waste Management Planning Committee. Motion carried.

At 1:40 p.m. Kimberly Singh, Health Officer, was in attendance to request the adoption of regulation eliminating smoking in public and private worksites and public places, not including bars and restaurants. In attendance with Ms. Singh was Connie Smith and Karen Holcomb-Marrow from the Health Department. Ms. Singh provided each board member with a copy of Resolution 01-2006 from the Mid Michigan District Health Department Board of Health, which is a resolution in support of the clean indoor air regulation.

Ms. Singh stated that she took an oath to protect the health of the public. She feels that everyone has the right to breath clean air. She feels that adopting this regulation will be beneficial to the health and well-being of the public, however, she does not think we will see a dramatic difference because many workplaces are already smoke free.

When asked how the Health Department plans to enforce this regulation, Ms. Singh responded that the system will be complaint driven. The main goal is not punitive but compliance with the regulation.

Commissioner Petersen stated that in the reports that he has received regarding deaths contributed to second hand smoke, there are no indicators as to where the related deaths came in contact with the second hand smoke. While he supports a smoke free work environment, lack of this type of information does create some pause for him.

Commissioner Caris asked if there is any provision in the regulation for small business owners with only a few employees. Ms. Singh stated that there are no provisions for small business owners. The regulation is across the board. Commissioner Caris stated that he is having difficulty putting small business owners in the same arena with large factories.

Commissioner Retzloff stated that he feels it's time to protect the rights of non smokers instead of protecting the rights of a few smokers. He feels that individuals should be able to go into a restaurant, bar or bowling alley without having to be exposed to second hand smoke. Ms. Singh stated that bars and restaurants are protected under state law and the tobacco lobby is very strong in Lansing, therefore she does not see anything happening in those venues anytime soon.

Chairman Carr stated his concern on voting on this regulation at the meeting today. He asked Ms. Singh just how aware the public is that the Board of Commissioners will be voting on this subject today. Ms. Singh stated that several articles have been published in the Daily News and a public hearing was held at the Board of Health meeting, which was also publicized. She feels there has been adequate notice to the public for them to voice their concerns over the proposed regulation, but yet only one business owner is in attendance today to express his opposition.

Moved by Commissioner Johansen, supported by Commissioner Walker to approve Mid-Michigan District Health Departments Regulation Eliminating Smoking in Public and Private Worksites and Public Places, Not Including Bars and Restaurants. Moved by Commissioner Caris, supported by Commissioner Petersen to postpone action on this issue until the next board meeting. Roll call vote: Ayes: Commissioners Petersen, Carr, Caris and McCrackin.

Nays: Commissioners Retzloff, Johansen, Paepke and Walker. Motion to postpone failed. Original motion carried with Commissioner Caris voting no.

At 2:10 p.m. Franz Mogdis, Montcalm Alliance, was in attendance to update the board of the effort to establish a countywide public transit system and request that the board approve a resolution authorizing the County Administrator to submit to MDOT a tentative budget for the system. Dean Petersen, Project Manager from MDOT, addressed the board and stated that under Public Act 51, any entity using public funds must submit their proposed budget to MDOT by February 1st of the previous fiscal year. By submitting the proposed budget, the county is not committed to use the funds, but will be compliant with MDOT's regulations should the funds be needed.

Mr. Mogdis stated that he will be coming back to the board in January to ask for approval of ballot wording and an election date for a .5 mill ballot proposal to support the county wide transit system. Mr. Mogdis will be asking the board to approve an election date in August 2007.

Chairman Carr stated that he has concerns because, while some people have been working on this issue for years, he feels that the board has not been brought into the loop until the past month. He feels that based on what a millage election will cost, the board has to be very cautious about going to the public for additional millage. The County has many economic issues and he feels that the issue of public transportation may not be the most important issue to go to the voters on.

Mr. Mogdis believes this is an economic development issue and feels that the election should be paid for from the Berridge Road property proceeds that were set aside specifically for economic development issues. Should the millage fail, Mr. Mogdis feels the issue will be dead and not revisited again.

The board adjourned discussion on the transportation issue to deal with their agenda item regarding the Ten Year Plan to End Homelessness. A motion regarding the transportation issue will be dealt with in the Economic Development and Physical Resources Committee minutes.

At 2:45 p.m. Darla DeYoung, Continuum of Care, Rave I.M. Inc., was in attendance to present the 10 year plan to end homelessness in Ionia and Montcalm Counties. The plan was written by seven community agencies in both Ionia and Montcalm Counties.

Moved by Commissioner McCrackin, supported by Commissioner Retzloff to adopt the 10 Year Plan. Motion carried.

Moved by Commissioner McCrackin, supported by Commissioner Paepke to place the December 13, 2006 Health & Human Services Committee Minutes on file. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Paepke to place the December 18, 2006 Law Enforcement and Courts Committee minutes of file. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen that the Montcalm Alliance as the County's designated economic development function be designated by the Montcalm County Board of Commissioners as the entity to administer the Montcalm County Brownfield Authority activities. Motion carried with Commissioners Paepke and Carr voting no.

Moved by Commissioner Johansen, supported by Commissioner Petersen that John Berchtold Montcalm County Controller/Administrator is hereby authorized to submit to the Michigan Department of Transportation on behalf of Montcalm County by February 1, 2007, a budget estimate of funding needed to support a countywide transportation system in Montcalm County effective October 1, 2007.

Discussion took place on the motion. Commissioner Caris stated that he is not in favor of a millage for this issue. There are several issues that the county is dealing with that he feels would be more worthy of a millage.

Chairman Carr stated that while the board is only being asked to approve a budget to be sent to MDOT, he feels the board needs to ask itself a philosophical question first. Before the budget is approved and sent to MDOT, shouldn't the board know whether or not they want to put a millage on the ballot to support the transit system. He does not feel the board is functioning properly on this topic, or other topics recently. Things are being discussed and worked on it committee without direction to do so from the full board. He does not think this is the way the board should operate and this countywide transit issue is a prime example of the problem.

Commissioner Paepke stated that he feels that countywide transportation may be a topic for privatization.

Vote on motion: Motion carried with Commissioners Paepke, Caris and Carr voting no.

Moved by Commissioner Johansen, supported by Commissioner Petersen to establish a mapping fee structure from the following:

Access to quality photos on County website

- \$250 per year
- \$25 per year

Photo Reproductions (Hard Copy)

- | | | | |
|-------------------------------|---|----|-------|
| • 8 ½ x 11 Photo reproduction | - | \$ | 2.00 |
| • 8 ½ x 14 Photo reproduction | - | \$ | 2.50 |
| • 11 x 17 Photo reproduction | - | \$ | 9.00 |
| • 24 x 36 Photo reproduction | - | \$ | 15.00 |

Parcel Map Reproductions (Hard Copy)

- | | | | |
|------------|--|----|-------|
| • 8 ½ x 11 | | \$ | 1.00 |
| • 8 ½ x 14 | | \$ | 1.50 |
| • 11 x 17 | | \$ | 2.00 |
| • 24 x 36 | | \$ | 10.00 |

Data in Digital Format

- | | | |
|--|----|-----------------|
| • Complete county assessment file or portion thereof | \$ | .04 per parcel |
| • County shape file parcel map | \$ | .02 per parcel |
| • Layer information (when available) | \$ | 20.00 per layer |

Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Petersen to approve the potential partnership fee agreement with local units as attached to the Economic Development and Physical Resources Committee minutes.

Motion carried

Moved by Commissioner Johansen, supported by Commissioner Petersen that it is the responsibility of a department head to immediately notify the County Controller/Administrator or the Finance Officer via pager and/or cell phone upon becoming aware of a power outage occurring at any County facility under his/her watch. This includes all power interruptions, twenty-four (24) hours per day, and seven (7) day per week. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Caris to place the December 18, 2006 Economic Development and Physical Resources Committee minutes on file. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to bypass the bid process and purchase the Record Fusion software upon satisfactory review of the contract by the County's legal counsel. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke that the Finance Officer be allowed to solicit quotes from different vendors using the attached specifications. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve the employee evaluations of Jim Osborne and Dick Reeves with the additional comments. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve the budget amendment of \$2,000 from the contingency line item (18902-965000) to the building repair line item (12652-930000 – Admin) for plaster work repairs in the administration building. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve warrant number 121806 in the amount of \$450,854.06. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to place the December 18, 2006, Finance and Personnel Committee minutes on file. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Johansen to approve additional correspondence item #5 and move stated action:

Varnum

Demand for Medical Payment

Place on file

Motion carried.

Kristen Millard, County Clerk, informed the Board that Department Heads met on December 15th and discussed Commissioner Baker's proposal of keeping offices open during lunch and closing early. As each department has different dynamics, the consensus of the group was to leave the building hours as is and authorize departments to keep their offices open during lunch on a department by department basis. Chairman Carr stated that this is the type of thing he was talking about earlier. The full board did not request the department heads' input on this issue, therefore a recommendation from the group on this issue was not warranted.

John Berchtold informed the board that the awards luncheon will take place at Maxfield's on January 11th.

Moved by Commissioner Retzloff, supported by Commissioner Petersen to hold the Organization Board Meeting on Wednesday, January 3, 2007 at 9:00 a.m. Motion carried.

Chairman Carr stated that some concern has been raised in the area of the Montcalm County Housing Commission audits. He would like to see an Ad Hoc Committee formed to study this problem. Moved by Commissioner Retzloff, supported by Commissioner Caris to appoint John Berchtold, Commissioner Baker, Tom Lindeman and Jeremiah Stone to an Ad Hoc Housing Commission Committee to review the past two years audits of the Housing Commission. Motion carried.

Chairman Carr stated that he is no longer interested in the formation of an Ad Hoc Committee of Commissioners and Department Heads to study conflicts that arise between the board and Department Heads.

Public comments were offered and none were given.

Moved by Commissioner Retzloff, supported by Commissioner Petersen to adjourn at 3:34 p.m. Motion carried.

Kristen Millard, County Clerk

Patrick Q. Carr, Chairman