

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting
Monday, April 27, 2009
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 Aaron Sorrels from the Settlement Lutheran Church of Gowen and the St. Thomas Lutheran Church of Trufant 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, and 126 audience members that signed in.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve the April 13, 2009, regular meeting minutes as written. Motion carried.

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

Public comments were offered.

Laura Engel, Stanton, addressed the board regarding the need to use county resources to benefit those in need in Montcalm County. She also discouraged the use of the recall process.

Craig Brockette, Mecosta County resident, addressed the board in support of R & R Research using animals for medical research.

At 1:10 p.m. Richard Reeves, Equalization Director, was in attendance to present the board with the 2009 Equalization Report as required under MCL 211.34. Moved by Commissioner Retzloff, supported by Commissioner Johansen to approve the 2009 Equalization Report as submitted by the Equalization Director and approve and adopt **RESOLUTION 2009-11**:

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 2009 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 2009 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 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. All real property value equalized at \$2,175,087,150 and personal property values equalized at \$142,701,340 for a total equalized value of real and personal property at \$2,317,788,490 pursuant to Section 211.34 MCL, of 1948, as amended.

Motion carried.

Public comment resumed.

Ryan Hipp, Grand Rapids, addressed the board regarding how people look at animals and asked the board to not look at animals as objects. He spoke out against R & R Research.

Jim Ward, Pierson, addressed the board in support of Jim Woudenberg and R & R Research.

At 1:20 p.m. Kimberly Singh, Health Officer, was in attendance with a presentation regarding the FY 09/10 State Budget and funding for Public Health. Ms. Singh presented the board with a resolution she would like adopted in support of funding for public health.

Moved by Commissioner Paepke, supported by Commissioner Lindeman to approve and adopt **RESOLUTION 2009-12:**

WHEREAS, the Mid-Michigan District Health Department is responsible for providing preventive and mandated public health services, including but not limited to, communicable disease control, food service sanitation, sexually transmitted disease control, immunizations, hearing and vision screenings, drinking water supply safety and onsite sewage management, and

WHEREAS, the agreement between local health departments and the State of Michigan, per the Public Health Code, PA 368 of 1978, MCL 333.2475, to bear one-half (50 percent) of the cost of providing these services has not been maintained by the State, and

WHEREAS, the burden of fulfilling these requirements to provide the most basic services is becoming increasingly more challenging for local public health departments to meet, and

WHEREAS, lack of increases in State funding has increased the burden on local government to fund programs the State mandates. Today, health departments and local government fund 70% of the cost of state-mandated services and,

WHEREAS, the demand for services such as Family Planning, Immunizations, and WIC (Women, Infants and Children) have increased exponentially in the past year due to the downturn in Michigan's economy, and,

WHEREAS, proposed cuts in Family Planning services will result in 4,000 less women being served in the State. Teen pregnancy increased in the State in 2006 for the first time since the early 1990s and about 50 percent of those births are covered by Medicaid – the State should be increasing this preventive care line item rather than reduce it and,

THEREFORE, BE IT RESOLVED:

1. That the Montcalm County Board of Commissioners hereby requests the Michigan Legislature add \$5 million for Local Public Health Operations (LPHO) in the Department of Community Health budget for fiscal year 2009/2010, and
2. That the Montcalm County Board of Commissioners requests the Michigan State Legislature restore the following (Healthy Michigan Fund and Department of Community Health) cuts proposed in the Governor's budget recommendation:
 - Reductions in Sexually Transmitted Disease funding
 - Reductions in Family Planning funding
 - Reductions to Chronic Disease Prevention
 - Elimination of Methamphetamine Clean-up funding
 - Elimination of funding for Poison Control Centers
 - Elimination of funding for the Nurse Family Partnership and,
3. That the Montcalm County Board of Commissioners implores the Michigan Legislature to not make any further reductions to State revenue sharing payments to counties, and

4. That a copy of this resolution be submitted to the Michigan House and Senate Appropriations Committees, and to the Michigan State Senators and Representatives serving the residents of Clinton, Gratiot, and Montcalm Counties.

Motion carried.

Ms. Singh also gave the board an update on the Stanton Dental Care Center service and expansion. The Dental Clinic will be relocating on June 1, 2009 to the Montcalm Area Intermediate School District and will be known as the Montcalm Area Community Dental Clinic (MACDC). It is estimated that the MACDC will be able to serve 2,600 clients per year in the new facility.

Ms. Singh also gave a brief update on the Swine Flu. Anyone interested in learning more should go to the CDC website. www.CDC.gov/swineflu

Public comments resumed.

Mary Palmer, Greenville, addressed the board in support of ending the contract with R & R Research.

Leroy Bills, Howard City, addressed the board in support of using animals for medical research to save human life and the lives of other animals.

John Bauman addressed the board in support of R & R Research and Jim Woudenberg.

Penelope Tsernoglou, East Lansing, addressed the board regarding Ingham County's experience with ending their contract with a Class B dealer. She stated that jobs were created and additional revenues were generated when the contract ended.

Henry Sanchez, Ionia, addressed the board in support of ending the contract with R & R Research.

At 1:40 p.m. Jim Woudenberg, R & R Research, was in attendance to request the County's contract with R & R Research be renewed.

Mr. Woudenberg stated that nothing he does is illegal. All of the business transactions that his business conducts are transparent. He supplies animals to Universities and hospital research facilities, which are highly regulated, as is his business.

Mr. Woudenberg stated that the county's current method of animal disposal does not cost the county anything, but he is certain that the proposed method will. He also stated that the number of animals disposed of will not go down, but the number of animals that go to save lives will.

Mr. Woudenberg stated that R & R Research employs people, pays payroll, pays property taxes and purchases commodities in Montcalm County. He stated that the board's vote today could essentially close a family business that has been in operation in Montcalm County for 40 years. Therefore, the county will lose those revenues if they vote to discontinue the contract with R & R Research.

Public comment resumed.

Beth Contreras, addressed the board regarding ending the contract with R & R Research. She stated that volunteerism and revenues will increase if the contract is ended. She also stated that R & R Research has never released their records for inspection, therefore it is unknown what type of research is done on the animals.

Mike Urbanski, Concerned Citizens Coalition, addressed the board and stated that members of the coalition have never stated that they are against medical research. What they are opposed to are animals that were former pets going to research. He stated that there is not proof that the animals that come from

the Montcalm County Shelter go to life saving research because Mr. Woudenberg will not release his records.

Beth Woudenberg, Newaygo, addressed the board in support of using animals from the Animal Shelter being used for medical research instead of raising animals to be used for research. Ms. Woudenberg explained the conditions of the pens at R & R Research and the care that the animals receive.

Gina Moore, Wyoming, addressed the board regarding ending pound seizure. She stated that animals used for medical research should come from Class A dealers.

Larry Barthel, Greenville, addressed the board and spoke out against Jim Woudenberg and R & R Research.

Tim Poulson, Lakeview, asked that the board continue the contract with R & R Research. Mr. Poulson stated that his son is alive today as a direct result of animals being used for medical research.

Chris Chase, Mecosta County, addressed the board in support of continuing the contract with R & R Research.

Fran Arbogass-Carlson, Howard City, addressed the board in support of continuing the contract with R & R Research. She stated that medical research helps animals as well as humans.

Vic Cabot, Grand Rapids, addressed the board and explained that the actions of the Montcalm County Board of Commissioners do have an effect on surrounding counties. She used the example of an 84 year old woman from Greenville who had 45 cats in her home because she would not take the animals to the Montcalm County Animal Shelter. She encouraged the board to discontinue the contract with R & R Research so improvements can be made to the Montcalm County Animal Shelter.

Dan Hicks, Howard City, addressed the board in support of Jim Woudenberg and R & R Research.

At 2:00 p.m. Fran Schuleit, Randall Carpenter DVM, Wendy Swift DVM, Rhonda Waldorf and Kevin Nieboer were in attendance to present the board with the Ad Hoc Animal Control Committee report and recommendations.

Ms. Schuleit began the presentation by introducing each of the committee members and the purpose of the committee.

Dr. Randall Carpenter began his presentation by provided each of the board members with a packet of information (a copy was not given to the County Clerk for the permanent file). Before presenting the Ad Hoc Committee's proposals, Dr. Carpenter assured the board that the proposals are all cost neutral.

The first recommendation from the Ad Hoc Committee was the R & R Research contract, which Dr. Carpenter explained that, in essence, deals strictly with carcass disposal. R & R Research disposes of all animals carcasses from the Montcalm County Animal Shelter. Dr. Carpenter stated that the R & R Research will not divulge how and where animal carcasses are disposed of. He stated that it is theorized that cats that were euthanized at the Animal Shelter are being sold by Mr. Woudenberg for personal profit, and dogs that were euthanized are either going to a rendering plant or a landfill. Dr. Carpenter stated that these practices are not acceptable.

The Ad Hoc Committee recommends that all animal carcasses are disposed of by Sleepy Hollow Pet Cemetery in Byron Center. All animals will be picked up by Sleepy Hollow and humanely cremated. Dr Carpenter stated that the cost of \$300 per month will be underwritten by private citizen donations for the first year.

Dr. Carpenter also stated that the Ad Hoc Committee is recommending the purchase of a brick lined, natural gas, cremator. A group of individuals have pledged to pay for the purchase of the unit and the maintenance on the unit.

Dr. Carpenter stated that if the board adopts the recommendations by the Ad Hoc Committee for animal carcass disposal, the R & R Research is no longer needed. Dr. Carpenter backed up the recommendation to terminate the contract with R & R Research by citing previous violations by R & R Research; an ongoing investigation by the USDA; Mr. Woudenberg's failure to address and answer questions in regards to a criminal action in Ionia County where a dog showed up at R & R Research; and a recent incident of tagging of an animal (removing the animal before rescue groups had access to the animal) from the Animal Shelter.

Dr. Carpenter read a proposed resolution to the Board to terminate the contract with R & R Research (a copy was not given to the County Clerk for the permanent file).

Commissioner Paepke addressed the Ad Hoc Committee members and thanked them for their work, but he addressed the fact that the committee did not present the board with a budget. Dr. Carpenter responded by saying that a budget could not be developed because they cannot foresee the future, but that he can guarantee that revenues will increase if practices at the Animal Shelter are changed.

Ms. Schuleit stated that the only additional expense that the Ad Hoc Committee is suggesting is \$300 for new watering bowls so that the current watering system can be eliminated because the animals do not know how to drink out of it.

Dr. Wendy Swift, DVM, addressed the increase licensing changes

Carpenter stated that the county will make money if the recommendations are adopted. He stated that it is impossible for to committee to know what the adoption rates will be in the first year.

Dr. Wendy Swift addressed the board and stated that the Animal Shelter can be a revenue center if the shelter is run properly. She stated that with increased licensing changes the county can double, triple and even quadruple revenues. If adoptions are up the animals will become a profit center for the county, instead of a burden. She also stated that if the county has a crematorium on site, then the county can sell their services.

Ms. Schuleit stated that the Animal Shelter has been self sustaining in the past and can be again. She stated that many volunteers are here today hoping to be able to turn their applications in today.

Moved by Commissioner Retzloff, supported by Commissioner Lindeman to end the contract with R & R Research on August 1, 2009.

Under discussion Commissioner Blanding stated that contrary to the motion that was made, the contract was extended for 6 months, therefore the board must honor that contract.

Commissioner Crouse stated that it is impossible for the commissioners to continue a contract with a dealer that cannot disclose information to the Board of Commissioners as to the disposition of animals and animal carcasses. He stated that as a public body, everything the board does is open to the public, and the board cannot have a contract with a dealer that does not provide full disclosure.

Commissioner Baker stated that animal activists have an agenda based on emotion. He stated that the commissioners have received thousand of cookie cutter letters, from all over the US and Europe, but in his district less than 1% of his constituents have asked him to discontinue the contract with R & R Research, in fact, less than 1% of Montcalm County residents have asked for the contract to be ended. He stated that a decision needs to be made on fact, not emotion.

Commissioner Johansen addressed Commissioner Blanding's comments concerning the original motion forming the Ad Hoc Committee and the contract extension with R & R Research. He explained that the commissioners have never broken a contract and will honor the contract with R & R Research until August 1, 2009. He will vote in support of terminating the contract with R & R Research, but stated that if he does not see the volunteerism and support that has been promised, in 6 to 9 months, he will be the first to make a motion to reinstate the process that the county has been operating under. He has been contacted by a former commissioner of another county that warned him that after all of the fan fair dies down, so does the volunteerism.

Commissioner Blanding thanked the members of the Ad Hoc Committee that did the work.

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

Dr. Wendy Swift, Kent County Humane Society, presented the board with her assessment of the Animal Shelter. She provided the board with numerous recommendations to improve the Montcalm County Animal Shelter.

Ms. Schuleit addressed additional recommendations at the Animal Shelter. A few of the suggestions are a new Policy and Procedures manual; Lost and Found; improvements to interior and exterior design of the Animal Shelter; staff education; animal care & handling; and philanthropy.

Rhonda Waldorf, addressed the board regarding temperament testing for dogs. This will make more animals adoptable and will help place dogs more suitably. Ms. Waldorf addressed adoptions and community outreach.

Dr. Carpenter spoke regarding veterinary health and suggested a Veterinary Advisory Board being formed. He also suggested the formation of a Montcalm County Animal Control Citizens Advisory Committee. Dr. Carpenter assured the board that volunteers aren't going anywhere and will be around long into the future.

Kevin Nieboer addressed the board regarding HB 4663. He stated that by adopting the recommendations presented to them today, Montcalm County will become "World Class" and other counties will look to Montcalm County to find out how to properly run an animal shelter.

Moved by Commissioner Retzliff, supported by Commissioner Caris to take the recommendations from the Animal Control Ad-Hoc Committee and refer them to the Law Enforcement and Courts Committee for review.

Under discussion:

Commissioner Johansen thanked the members of the Ad Hoc Committee and addressed Dr Carpenter's oversight of mentioning Chairman Carr when addressing and thanking members of the Ad Hoc Committee. He stated that he has worked with Chairman Carr for 9 years and has found him to always be fair and work for compromise. Commissioner Johansen held up a large folder full of recommendations that have been presented to the board members. He stated that he had hoped for a summarization document to work from, therefore the members of the committee have their work cut out for them.

Commissioner Blanding addressed the board regarding the question of funding comments being made. He stated that most of the recommendations are just standardizing the procedures of the Animal Shelter.

Roll call vote on the motion: Ayes: Commissioners Crouse, Carr, Retzliff, Blanding, Lindeman, Johansen, Paepke, Baker and Caris. Nays: None. Motion carried.

Moved by Commissioner Lindeman, supported by Commissioner Caris to take a 5 minute recess at 3:16 p.m. Motion carried.

The meeting reconvened at 3:27 p.m.

Chris Hyzer provided the board with a letter received from Jason Miller regarding the former Howard City Ambulance Base he purchased from Montcalm County. Mr. Miller is asking the board to reimburse him for a survey of the property in the amount of \$300. He is also offering to sell the property back to the County for use by the Road Commission. Moved by Commissioner Retzloff, supported Commissioner Baker to reimburse Jason Miller \$300 for a survey that he paid for on the property he purchased from the county. Motion carried. Chris Hyzer will inform Mr. Miller that he must contact the Road Commission with his offer to sell the property.

Moved by Commissioner Retzloff, supported by Commissioner Johansen to approve consent agenda items 2 through 4 and move stated action:

Kristen Millard	Resolution 2009-10, Disclaimer of Interest	Place on file
Controller	Animal Control Ad-Hoc Comm. Minutes 3/25/09	Place on file
Controller	CIS Oversight Committee Minutes, 4/21/09	Place on file

Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Lindeman to support the Recycling Subcommittee's recommendation to extend Goodwill Industries recycling program contract for six months and to present this recommendation to the Montcalm County Board of Commissioners for their approval. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Lindeman to place the April 16, 2009 Solid Waste Management Planning Committee minutes on file. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to approve the sale of the Daggett Road property to Mark Fabiano in amount of \$3,000 and allows the chairman to sign the deed. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to place the April 27, 2009, Economic Development and Physical Resources Committee minutes on file. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to authorize the Chairman to sign the request for proposal from the Montcalm County Commission on Aging to the Area Agency on Aging of West Michigan prior to May 11, 2009 submission deadline. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow District Court to rehire the District Clerk II position that is retiring. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow the Building Department to bring the employee back from layoff with a start date of May 4 and potential layoff the individual at a later date. Moved by Commissioner Johansen, supported by Commissioner Retzloff to strike all words after May 4. Amendment carried with Commissioner Lindeman voting no. Original motion carried as amended.

Moved by Commissioner Caris, supported by Commissioner Baker allowing the Prosecuting Attorney to contract with outside attorneys on a case by case basis while an employee is on sick leave, with a contract rate of \$55 per hour. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow EMS to sell of the old R-23 unit (1996 GMC) to Mercy Sales for \$2,089.00. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to allow the Sheriff's department to apply for the Byrne Justice Assistance FY09 Recovery Act grant. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Lindeman to allow the Sheriff to apply for a law enforcement technology enhancement grant under the American Recovery and Reinvestment Act of 2009. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Retzloff to approve of the Pension Service Agreement with Bill Barnwell and Montcalm County and allow for proper signatures. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow the Maintenance Director to hire the seasonal parks individual starting April 28, 2009. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve warrant number 042709 in the amount of \$1,145,748.95. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Lindeman to place the April 27, 2009, Finance and Personnel Committee minutes on file. Motion carried.

Public comments were offered. Gisela Peek, Greenville, addressed the board regarding the purchase of the water bowls. She volunteered to pay for them so the county doesn't have to.

Sandy Carlton, Greenville, thanked those board members that voted to end the contract with R & R Research. She assured those members of the board that voted not to the end the contract that she will prove to them that volunteerism will increase.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to adjourn at 3:51 p.m. Motion carried.

Kristen Millard, County Clerk

Patrick Q. Carr, Chairman