

MONTCALM COUNTY BOARD OF COMMISSIONERS

Regular Meeting

Monday, August 10, 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 Todd Brooks from the Community Assembly of God Church in Crystal offered invocation.

Members present at roll call: Commissioners Blanding, Lindeman, Retzloff, Johansen, Paepke, Caris, Baker, Carr and Crouse. Members absent: None.

Others present: Chris Hyzer, Kristen Millard, Danielle Arndt, Pastor Curt Mudgett and Pastor Todd Brooks.

Moved by Commissioner Paepke, supported by Commissioner Lindeman to approve the July 27, 2009, regular meeting minutes as written. Motion carried.

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

Public comments were offered and none were given.

Correspondence was received from Mark Knowles, Gratiot County Board of Commissioners, requesting a meeting of the Gratiot, Clinton and Montcalm County Board of Commissioners to discuss the MMDHD Clean Indoor Air Regulation. Moved by Commissioner Johansen, supported by Commissioner Paepke to appoint Commissioners Lindeman and Blanding to meet with Clinton and Gratiot Counties for the MMDHD Clean Indoor Air Regulation. Motion carried.

Moved by Commissioner Retzloff, supported by Commissioner Paepke to approve consent agenda items 2 through 72 and move stated action:

Controllor	DOT Letter – Approve Gresham Driving Aids Agreement	Place on file
Controllor	Substance Abuse Advisory Council Resignation Letter	Place on file
Controllor	AAAWM Funding Award for Montcalm County COA	Place on file
Scott Minard	Dodge Report, July 2009	Place on file
Controllor	COA Contract Amendment	Place on file
Controllor	FOP Contract	Place on file

Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Blanding to amend the Ford Lincoln Park rules and adopt quiet times from 10:00 p.m. to 7:00 a.m.; plus, add that fireworks are prohibited and if there is evidence of their use after park rental is over, refund of the \$100 deposit will be denied. Roll call vote: Ayes: Commissioner Crouse, Blanding, Johansen, Baker and Caris. Nays: Commissioners Carr, Retzloff, Lindeman and Paepke. Motion carried.

Moved by Commissioner Paepke, supported by Commissioner Blanding to approve the survey by Glen Hackbardt of the East property line of the Flat River Nature Park in the amount of \$1,150. Motion carried with Commissioner Lindeman voting no.

Moved by Commissioner Paepke, supported by Commissioner Blanding to place the August 4, 2009 Parks & Recreation Commission minutes on file. Motion carried.

At 1:15 p.m. Don Cooper, Drain Commissioner, was in attendance for the Sidney Township Sewer Project. Along with Mr. Cooper was attorney Terry Donnelly, Bond Counsel.

Mr. Cooper informed the board that the project is moving along nicely.

Mr. Terry Donnelly reviewed all of the documents presented to the board. Mr. Donnelly informed the board that an Advisory Committee on the sewer project was formed earlier this year. The Advisory Committee has reviewed all of the documents being presented to the board today, and all other governmental agencies have previously approved the agreement.

Mr. Donnelly presented the board with a proposed Resolution to approve the service agreement and financing documents, authorize interim notes, and authorize Drain Commissioner to sign all documents at the Board of Public Works.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to approve and adopt **RESOLUTION 2009-19, A Resolution to approve the Service Agreement and Financing Contract for the Sidney Township Sanitary Sewer and authorizes the Drain Commissioner to act as the Board of Public Works for this project and authorize the issuance of he interim notes not to exceed \$400,000:**

WHEREAS, pursuant to Act No. 185, Public Acts of Michigan, 1957, as amended (“Act 185”), the Board of Commissioners of the County of Montcalm (the “County”), by resolution adopted on February 9, 2009, established a Department of Public Works for the administration of the powers conferred upon the County by Act 185, Public Acts of Michigan, 1957, as amended (“Act 185”), under the general control of the Board of Commissioners and under the immediate control of the Montcalm County Drain Commissioner, who was appointed as the Board of Public Works under Act 185; and

WHEREAS, pursuant to Act 185, by further resolution adopted on February 9, 2009, the Board of Commissioners of the County (i) authorized the establishment of a sewage disposal system to be known as the Sidney Township Sewage Disposal System (the “System”); (ii) authorized and directed the Drain Commissioner, acting as the Board of Public Works, to undertake improvements to the System consisting of sanitary sewer collection facilities and improvements and enlargements to the sewage treatment plant of Montcalm Community College (the “Project”), (iii) directed the Drain Commissioner to obtain and submit to the Board of Commissioners plans and specifications and estimates of cost for the Project and (iv) directed the Drain Commissioner to negotiate and to submit to the Board of Commissioners a contract between the County and the Township of Sidney (the “Township”) in respect to the acquisition, construction and financing of the Project; and

WHEREAS, the Drain Commissioner has now submitted to this Board estimates of cost and period of usefulness of the Project and (i) a proposed Sidney Township Sewage Disposal System Improvements Contract (the “Financing Contract”), dated as of August 1, 2009, between the County and the Township for the acquisition, construction and financing of the Project, including the issuance of notes by the County under Act 34, Public Acts of Michigan, 2001, as amended, in the principal amount of not to exceed \$400,000 (the “Notes”) to finance preliminary costs of the Project for land acquisition and engineering, the Notes to be payable from the proceeds of the bonds to be issued by the County pursuant to the Financing Contract in the present estimated principal amount of \$3,525,000 (the “Bonds”) and otherwise from payments to be made by the Township pursuant to the Contract, and (ii) a proposed Sidney Township Sewage Disposal System Sewage Disposal Service Agreement (the “Service Agreement”), dated as of August 1, 2009, among the County, the Township, Montcalm Community College (“MCC”) and Montcalm Area Intermediate School District (“MAISD”) (the Township, MCC and MAISD being hereinafter referred to as the “Units of Government”) relating to the operation, maintenance, administration and management of the System by the County for the purpose of providing sewage treatment and disposal services to the Units of Government; and

WHEREAS, execution of the Financing Contract has been authorized by the Township and execution of the Service Agreement has been authorized by the Township, MCC and MAISD; and

WHEREAS, the County desires to approve the Financing Contract and the Service Agreement and to authorize the issuance of the Notes.

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

1. The Board of Commissioners does hereby approve (i) the Financing Contract, in the form presented to this meeting, including the description of the service area for the Project, as set forth on Exhibit A attached to the form of the Financing Contract, and the estimates of cost and period of usefulness for the Project, as set forth on Exhibit B attached to the form of the Financing Contract, and (ii) the Service Agreement, in the form presented to this meeting, and the County Clerk is hereby authorized to endorse on the forms of Financing Contract and Service Agreement presented to this meeting the fact of such approval and return the same to the Drain Commissioner.

2. The Drain Commissioner is hereby authorized and directed to execute and deliver the Financing Contract and the Service Agreement on behalf of the County in the forms approved in such number of original copies as he may deem appropriate.

3. The Notes are hereby authorized to be issued in the principal amount of not to exceed \$400,000, as determined by the Drain Commissioner, acting as the Board of Public Works, at the time of sale, for the purpose of paying prior to the issuance of the Bonds all or part of the preliminary costs of the Project for land acquisition and engineering and the costs of issuing the Notes. The Notes shall be designated "Montcalm County Sewage Disposal Notes – Sidney Township Sewage Disposal System Improvements, Series 2009;" shall be issued as a single, fully registered note, numbered 1; shall mature no later than December 1, 2010; shall bear interest at a rate not to exceed 8% per annum, such interest to be payable no more frequently than semiannually and at maturity or prior redemption; shall be subject to redemption at any time, in whole or in part, at the option of the County, at the par amount thereof plus accrued interest to the redemption date; shall be issued in anticipation of and shall be payable from the proceeds of the Bonds and out of payments to be made by the Township to the County under the Contract; shall be executed in the name of the County by the Drain Commissioner, acting as the Board of Public Works, and shall be sold by the Drain Commissioner at a price equal to the par value thereof at a private, negotiated sale. The Board of Commissioners determines that the sale of the Notes at a private, negotiated sale is in the best interests of the County and the Township and is the most efficient and cost-effective method of selling the Notes. The Drain Commissioner is authorized to sell the Notes within the foregoing parameters following the execution and delivery of the Financing Contract, with such additional provisions as he deems necessary that are not materially adverse to the County, to execute an order at the time of the sale of the Notes approving the final terms and conditions thereof and to execute such other certificates and instruments as he deems necessary or appropriate in connection with the execution and delivery of the Notes. The Notes shall not pledge the full faith and credit of the County and shall not be a general obligation of the County, but shall be payable solely out of the proceeds of the Bonds and out of payments to be made by the Township to the County under the Contract. The Notes shall be in substantially the form attached hereto as Exhibit A.

4. The Notes are hereby designated as Qualified Tax-Exempt Obligations as described in Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended.

5. The Drain Commissioner is authorized and directed, if necessary, to file with the Michigan Department of Treasury an application for approval of the Notes.

6. All resolutions and parts of resolutions insofar as the same may be in conflict herewith are hereby rescinded.

Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to award the telephone project with Black Box Network Services subject to executing the scope of work agreement. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Baker to accept the phone system implementation proposal from Abilita with costs not to exceed \$10,500 and allow the Controller to sign the agreement. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to accept the Norcross Construction bid in the amount not to exceed \$4,625 to fix the chimney attached to the Drain office. Motion carried.

Moved by Commissioner Johansen, supported by Commissioner Lindeman to place the August 10, 2009 Economic Development and Physical Resources Committee minutes on file. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Baker to allow EMS to remount two ambulances in 2010 based on the low bid from January 2009 and place the chassis order now with payments to come from the 2010 budget. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to make the following budget adjustment:

Increase	506513-918000	\$37,000	Vehicles
Decrease	506512-745000	\$37,000	Gas/Oil/Grease

Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to allow COA to hire a part time case manager to work up to 35 hours per week. This would be a part time temporary position at COA with pay rate starting t \$10.95 per hour. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Paepke to approve warrant number 081009 in the amount of \$197,769.71. Motion carried.

Moved by Commissioner Caris, supported by Commissioner Lindeman to place the August 10, 2009, Finance and Personnel Committee minutes on file. Motion carried.

Kristen Millard updated the board on the conversion project in the Circuit Court Clerk's office.

Ms. Millard also addressed the board regarding an appeal that has been filed in Circuit Court against the Montcalm County Election Commission. She requested funds to defend this appeal.

Moved by Commissioner Caris, supported by Commissioner Baker to authorize up to \$2,500 in legal fees to defend the appeal of the Montcalm County Election Commission in the Winfield Township Recall. Funds are to come from contingency. Motion carried.

Public comments were offered. Chairman Carr scheduled the Board of Commissioner photo for the first meeting in September.

Commissioner Johansen updated the board on the Montcalm County Fair. The Fair Board has determined that the fair in 2011 will be held on the new fairgrounds.

Moved by Commissioner Retzloff, supported by Commissioner Lindeman to adjourn at 2:12 p.m. Motion carried.

Kristen Millard, County Clerk

Patrick Q. Carr, Chairman