

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

February 19, 2009

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, February 19, 2009 in the Commissioners Meeting Room, County Building, 315 West Green Street, Marshall, Michigan.

Roll Call: Present: Comrs. Camp, Gerow, Haadsma, Lee, Rocho and Todd. Excused: Comr. Rae.

Staff Present: Asst. County Administrator Bradley Wilcox, Finance Director Mark Stuhldreher, Veterans Services Officer Jude Lonergan, Interim County Administrator/Controller Don Gilmer, County Administrator/Controller Kelli Sproule, Human Resource Manager Kim Archambault, Road Commissioner Eric Tobin, Chief Assistant Prosecuting Attorney Eusebio Solis, Senior Services Manager Carl Gibson and Deputy Clerk/Board Executive Secretary Mary Lou Barrett.

INVOCATION AND PLEDGE OF ALLEGIANCE:

A Moment of Silent Prayer was observed; followed by the Pledge of Allegiance, led by Comr. Lee.

APPROVAL OF AGENDA:

“Motion by Comr. Rocho, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the February 19, 2009 agenda, as amended, adding Item 8.C. -- Special Tribute to Don Gilmer, Item 8.D. -- Special Tribute to Duane Triemstra, and Item 8.E. – Battle Creek Sesquicentennial Day Proclamation.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Haadsma, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the January 29, 2009 Special Session minutes as presented.”

Voice Vote: Motion CARRIED

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CITIZENS' COMMENTS:

Calhoun County Trailway Alliance President Tom Garnett introduced Members Jim Coury and Larry Rizor. Mr. Garnett stated that the Alliance is a local non-profit to fund, plan and construct a 140 mile trail system along the Battle Creek River which shall connect Battle Creek to Homer, Ceresco, Albion and Marshall. Mr. Garnett advised that the stage is set to break ground in 2009 commencing from the Battle Creek Linear Trail. Mr. Garnett stated that the Alliance has three easement commitments and anticipates five in total for the first section of the trailway. Mr. Garnett stressed the importance of the easements and recommended the Board approve the Park Trustees Board's request to authorize Calhoun County as the holder of those easements. Mr. Garnett advised that Calhoun County is not being requested to fund any easements, that the Alliance has written a grant application to the Michigan Department of Transportation and the next grant to be applied for shall be to the Department of Natural Resources (D.N.R.).

Mr. David Converse, Battle Creek resident, addressed the economic crisis gripping the country, lack of jobs, and home foreclosures resulting in homes being rented out or remaining to sit vacant. Mr. Converse pointed out that residents are paying property taxes on property values that no longer exist, and inquired what ideas the Board has to provide relief to Calhoun County residents.

Mr. Creighton Burrows, Marshall resident, stated that he believes the Trailway Alliance and those in favor of the trailway system are getting their "cart before their horse." Mr. Burrows advised that he lives along the proposed trailway, and no one has asked him for an easement; further, that he has not even seen the proposed plan and has heard no one advise even which side of the river the trailway shall run. Mr. Burrows pointed out that there are numerous trails already, and stated that he does not believe a trailway system is required when the country is in an economic crisis.

Mr. Burrows asked whether the Board plans to make the Sheriff's Office move back to the county seat or not. Mr. Burrows advised that if the Board does not intend to move the Office back to the county seat, he shall seek legal action.

Mr. John La Pietra, Marshall resident, stated that he is looking forward to the Board's discussion regarding Agenda Item 12.A. (3), an item which he recommended at the previous Board meeting.

Mr. Gerry Keller, Battle Creek resident, thanked Mr. Stuhldreher for providing the additional costs related to the Board conducting its meetings at other than the county seat.

SPECIAL ORDER OF BUSINESS:

Recognition Day for the Calhoun County Office of Senior Services Proclamation

Comr. Gerow read and presented the following proclamation to Senior Services Manager Carl Gibson.

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Res. 34-2009

“Motion by Comr. Rocho, supported by Comr. Lee, resolved by the Calhoun County Board of Commissioners approve the following proclamation:

WHEREAS, in November 1996 Calhoun County voters approved a millage levy to provide senior services in Calhoun County to residents sixty (60) years of age and older; and

WHEREAS, in 1997 the Calhoun County Board of Commissioners appointed citizens to the Senior Millage Allocation Committee to review and recommend allocations for senior millage funding of services for Calhoun County seniors; and

WHEREAS, on February 1999, the Calhoun County Board of Commissioners established the Office of Senior Services to administer the millage funds, with the strong leadership of its first Manager, Angela Wisely; and

WHEREAS, in this 10-year period the Senior Millage levy has generated over \$23,000,000 in services to Calhoun County seniors—including home delivered meals, transportation, home care, vision and hearing services, adult day care, personal emergency response systems, dental care, home heating assistance, caregiver respite, legal and guardianship services, benefits counseling, prescription assistance, information referral, and more; and

WHEREAS, Calhoun County is a community in which over 24,000 seniors make their home, and the number of baby boomers reaching traditional retirement age continues to increase, spotlighting the need for increased attention to the evolving needs of older adults; and

WHEREAS, this day the Office of Senior Services celebrates its 10 (ten) years of quality services and collaborative spirit with the many providers of senior care and caring in the County and region.

NOW, THEREFORE, WE, the Calhoun County Board of Commissioners do hereby proclaim **February 19, 2009** to be **Recognition Day for the Calhoun County Office of Seniors Services**. We urge everyone to take time each day to honor our older adults and the professionals, family members, and citizens who care for older adults. We urge all citizens to work collaboratively to strengthen the services Calhoun County provides to its older adults in ways that recognize the changing nature of their needs and that provide older adults with more opportunities to make informed choices about their lives.”

Voice Vote: Motion CARRIED

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Special Tribute Honoring Robert E. Bonds, Jr.

Vice Chairman Todd read the following tribute into the record, advising that he will make sure Mr. Bonds' family receives the tribute.

Res. 35-2009

“Motion by Comr. Lee, supported by Comr. Rocho, resolved by the Calhoun County Board of Commissioners approve the following tribute:

WHEREAS, **ROBERT E. BONDS, JR.** passed away February 4, 2009, We wish to take this moment to honor Robert's life work and community involvement.

Robert was the Founder and President/CEO of Substance Abuse Prevention of Greater Battle Creek (SPGB Services Inc.), in existence and providing treatment services for more than seventeen years. Robert also served his community as minister of the Emmanuel Covenant Church International, that recently appointed him to serve as a presbytery board member; further, Robert was a life member of the N.A.A.C.P.

WHEREAS, Robert Bonds, Jr. was a true “trail blazer” in the treatment of substance abuse and through his vision and dedicated work has greatly assisted those in need and those most under served in changing their lives for the positive; and

WHEREAS, Robert's friends and associates have nothing but praise and respect for Robert, advising that Robert was an amazing man who found good in everyone and would work towards bringing those good qualities out in everyone he met. He treated everyone with respect and was never too busy to take time to listen and be genuinely concerned with the lives and concerns of others.

NOW, THEREFORE, WE, the Calhoun County Board of Commissioners, take this opportunity to honor and thank **ROBERT E. BONDS, JR.** for his dedicated devotion to the residents of Calhoun County, his community and his outstanding service as President and CEO of SPGB Services, Inc.. We offer our sincerest condolences to his wife Sue and his family, and are keenly aware of how much Robert shall be missed.”

Voice Vote: Motion CARRIED

Special Tribute to Don Gilmer

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Comr. Haadsma read and presented the following tribute to Interim County Administrator/Controller Don Gilmer.

Res. 36-2009

“Motion by Comr. Camp, supported by Comr. Gerow, resolved by the Calhoun County Board of Commissioners approve the following tribute:

WHEREAS, it is the distinct privilege of the Calhoun County Board of Commissioners to recognize and offer our sincere thanks to Don Gilmer for his willingness to accept the duties and responsibilities as Calhoun County Administrator/Controller during an interim period of time until a new County Administrator/Controller could be selected; and

WHEREAS, Don Gilmer dedicated himself to performing an outstanding job, was instrumental in preparing the FY 2009 budget for Calhoun County, and provided continuity in the day-to-day operations of County Administration.

NOW, THEREFORE, WE, the Calhoun County Board of Commissioners offer this small tribute of our appreciation to **DONALD GILMER** for his service to his community, through his outstanding job as Interim Administrator/Controller of Calhoun County. We extend our sincere best wishes to him in his future endeavors.”

Voice Vote: Motion CARRIED

Mr. Gilmer stated that it has been fun working with everyone. Mr. Gilmer stated that he has been impressed with the quality of staff and with the administrative team that has supported him.

Special Tribute to Duane Triemstra

Comr. Rocho read the following tribute, and presented it to Mr. Gilmer, accepting on behalf of Mr. Triemstra.

Res. 37-2009

“Motion by Comr. Haadsma, supported by Comr. Camp, resolved by the Calhoun County Board of Commissioners approve the following tribute:

WHEREAS, it is with sincere gratitude that the Calhoun County Board of Commissioners wish to recognize DUANE TRIEMSTRA for his willingness to accept the duties and responsibilities as Corporation Counsel and Freedom of Information Act Coordinator for an interim period of time allowing the County time to seek qualified candidates to assume the position of Corporation Counsel/Freedom of Information Act Coordinator; and

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WHEREAS, Duane dedicated himself to performing an outstanding job, handling a number of outstanding legal issues, assisting departments with various legal questions and responding to requests under the Freedom of Information Act, providing continuity during this transition time.

NOW, THEREFORE, WE, the Calhoun County Board of Commissioners offer this small tribute of our appreciation to **DUANE TRIEMSTRA** for his service to his Calhoun County, through his outstanding job as Interim Corporation Counsel and Freedom of Information Coordinator. We extend our sincere best wishes to him in his future endeavors.”

Voice Vote: Motion CARRIED

“Battle Creek Sesquicentennial Day” Proclamation

Comr. Camp read the following proclamation into the record, advising that the proclamation shall be presented at the City’s Open House.

Res. 38-2009

“Motion by Comr. Rocho, supported by Comr. Lee, resolved by the Calhoun County Board of Commissioners approve the following proclamation:

WHEREAS, on February 24, 2009, the City of Battle Creek shall be celebrating 150 Years with a Sesquicentennial Open House in City Hall Commission Chambers; and

WHEREAS, the Calhoun County Board of Commissioners would like to commemorate this historic occasion by remembering some of Battle Creek’s history and heritage during the City’s 150 years.

- * Battle Creek was known as the Queen City, the Health City and the International City during different eras of its history, and today is known as the Cereal City.
- * Battle Creek was a Village named Milton which grew rapidly as a grain, flour and saw mill center. The Village incorporated as a town in 1859 changing its name to Battle Creek.
- * Battle Creek is known around the world as the birthplace of the cereal industry.
- * In the last years of the nineteenth century Battle Creek became a spiritualist center.
- * Battle Creek became world-renowned for its Battle Creek Sanitarium, famous for its water and fresh air treatments, exercise regimens and diet reform. In its 65 years of operation under Dr.

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Harvey Kellogg the “San” served thousands, including presidents as well as impoverished charity patients.

- * During World War I Battle Creek was the second home to the “doughboys” who passed through the Army training center at Camp Custer, which during World War II was renamed to Fort Custer and served as a basic training location and an internment center for German prisoners of war.
- * Battle Creek was the first city in America to install wheelchair ramps in its sidewalks to accommodate wounded World War II patients at the Percy Jones Army Hospital whereby they could traverse to downtown Battle Creek.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners declare February 24, 2009 to be “**Battle Creek Sesquicentennial Day**” and join with the City of Battle Creek in celebration of 150 Years of being the best known city of its size in the country.”

Voice Vote: Motion CARRIED

CONSENT AGENDA:

Res. 39-2009

“Motion by Comr. Haadsma, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following February 19, 2009 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Resolutions received from Lake County {1} encouraging the Mason County Board of Commissioners to join the Michigan Association of Counties; and {2} requesting the Governor, the Michigan Department of Transportation and the Michigan Legislature to enact and fund the Michigan Infrastructure and Transportation Association’s transportation infrastructure improvement plan. (Referred to the Legislative Liaisons, with a copy of {2} remitted to Emergency Telephone District Board Chairman Allen Byam)
- (2) Communication received from the State 9-1-1 Committee advising of Public Act 379 {Changes to the Michigan 9-1-1 Law} enacted on

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December 23, 2008. (Referred to the Legislative Liaisons, with a copy remitted to Emergency Telephone District Board Chairman Allen Byam)

- (3) Notice of a public hearing scheduled for February 17, 2009 regarding approving revised costs for Industrial Facilities Tax Exemption Certificate Holder Advanced Special Tools received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Director David Jager)
- (4) Copy of a communication remitted to Mr. Kevin Webber, Marshall resident, received from the Michigan Department of Agriculture providing notice of a final inspection of Mr. Webber's equine facility on March 3, 2009. (Received and placed on file, with a copy remitted to Health Officer Jim Rutherford)

B. Resolutions:

(1) Local Emergency Planning Committee Appointments

- {a} Terry Travis
- {b} Joe Noto
- {c} Joe Frost
- {d} Catherine Woodliff
- {e} Paul Jakubiak
- {f} Lowell Knapp
- {g} Alan Egnatuk
- {h} Michael Rubley
- {i} Cheryl Vosburg
- {j} Rocky Kraiger
- {k} Ed Costine
- {l} Ronda Giese
- {m} David Mayfield
- {n} Brian Cowham
- {o} Perry Hart"

Voice Vote: Motion CARRIED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

Calhoun County Trailway System Easements Holder Request

County Administrator/Controller Kelli Sproule advised that the request received from the Park Trustees Board relates to easements for the trailway system. The request is for Calhoun County to be the authorized holder of such easements. Ms. Sproule advised that the request has been reviewed by management and Corporation Counsel.

Comr. Haadsma advised that he attended the recent Park Trustees Board meeting and has discussed the issue with three of the five trustees and Ms. Lynn Kracht, the Battle Creek representative on the Alliance, and supports the request. Comr. Haadsma advised that by April 1 the Board shall be requested to support a grant application to the D.N.R.

Comr. Rocho advised that she also has talked with the members of the Park Trustees Board and supports the trailway endeavor. Comr. Rocho stated that she believes economic development is important to the county, and encouraged Board members to support the request.

Comr. Camp inquired whether the trailway is proposed for the north side of the river. Mr. Garnett responded Yes. Mr. Garnett stated that if the Alliance cannot acquire an easement in a certain section, perhaps the trailway could be bridged to the south side. Mr. Garnett stated that the Alliance shall not force their way onto people's property.

Comr. Camp inquired whether there have been any public hearings regarding the Alliance's plans. Mr. Garnett responded that the Park Trustees Board conducts a public review of the Calhoun County Parks and Recreation Master Plan, and the proposed trailway system is a part of that Plan. Comr. Camp inquired regarding state funding. Mr. Garnett advised that the state has set aside funding for the construction of non-motorized trail systems which shall provide approximately half of the funds that shall be required for the first section of the trailway, then the Alliance shall apply to the D.N.R. for grant funding and shall have to raise the remaining \$150,000.

Comr. Lee advised that the river trail through Albion is very well used. Comr. Lee questioned whether he is correct in assuming that the landowners will not be required to maintain the trailway. Mr. Garnett responded that the landowners will not be required to maintain the trails, that the Alliance is in discussion with the foundations for maintenance funding; further, since the trailway system shall be a part of the national trailway system, there is maintenance funding opportunities through that source.

Res. 40-2009

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“Motion by Comr. Rocho, supported by Comr. Haadsma, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, the Calhoun County Board of Commissioners believe that recording the easements for the construction of a railway system is in the best interest of the Parks Trustee Board, and that those easements should be held by Calhoun County on behalf of its Parks Trustee Board.

NOW, THEREFORE, BE IT RESOLVED, that Calhoun County shall be the authorized holder of the Calhoun County Trailway System easements.”

Roll call vote: Yes - 6 (Comrs. Gerow, Haadsma, Lee, Rocho, Todd and Camp)
Excused - 1 (Comr. Rae)
Motion CARRIED

Professional Services Agreement

Ms. Sproule stated that the Office of Emergency Management requests renewal of the agreement with Mr. Noto to provide administrative support to the Local Emergency Planning Committee. Ms. Sproule advised that Mr. Noto was engaged in 2008; further, that the agreement has been reviewed by management and Corporation Counsel.

Res. 41-2009

“Motion by Comr. Rocho, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners approve renewal of the Professional Services Agreement between Calhoun County and Mr. Joe Noto to provide emergency planning and liaison services to the Office of Emergency Management and the Local Emergency Planning Committee for the period of March 1, 2009 through July 1, 2009 for a cost not to exceed \$3,250; further, authorize the Board Vice Chairman to execute said Agreement on behalf of Calhoun County.”

Roll call vote: Yes - 6 (Comrs. Haadsma, Lee, Rocho, Todd, Camp and Gerow)
Excused - 1 (Comr. Rae)
Motion CARRIED

Resolution Requesting a Special Election to Fill the Vacant 19th District Senate Seat

Ms. Sproule advised that the resolution is not administrative in nature and was not proposed by management.

Res. 42-2009

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“Motion by Comr. Rocho, supported by Comr. Camp, resolved by the Calhoun County Board of Commissioners adopt the following:

WHEREAS, the 19th District State Senate seat has been vacant since State Senator Mark Schauer was sworn into the United States Congress in January; and

WHEREAS, the State of Michigan continues to face economic crises only made worse by the economic challenges in the nation as a whole; and

WHEREAS, the citizens of the 19th District deserve to be represented in the debates about how to meet these crises; and

WHEREAS, Governor Granholm has the authority to call a special election to fill the vacant 19th District State Senate seat.

NOW, THEREFORE, the Calhoun County Board of Commissioners urge Governor Granholm to call a special election as soon as possible to fill the vacant 19th District State Senate seat.”

Comr. Rocho stated that she appreciates the resolution coming before the Commission, and advised that she requested that Mr. Gilmer place the resolution on the agenda. Comr. Rocho stated that she believes that it is important that those who are in the 19th District are represented. Comr. Rocho advised that the resolution urges the Governor to call for a special election.

Comr. Camp concurred that the District requires representation and that a timely election needs to be called. Comr. Camp advised that she discussed the vacancy with U.S. Representative Schauer, and he supports an election to fill the vacant Senate seat and has had such discussion with the Governor’s office.

Comr. Haadsma stated that he is aware that often resolutions are the wishes and hopes of those that bring them forth, and wants the citizens to know that the Governor has the jurisdiction over any special election. Comr. Haadsma stated that his perception is not one that he wishes to undertake at this time, however, he is sure that the Governor realizes the dire economic state of the State. Comr. Haadsma advised that he will support the resolution.

Roll call vote: Yes - 6 (Comrs. Lee, Rocho, Todd, Camp, Gerow and Haadsma)
Excused - 1 (Comr. Rae)
Motion CARRIED

CITIZENS’ COMMENTS:

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Mr. Burrows stated that he has heard all the stories about the trailway system; e.g., how they were going to hire a park ranger, however, never did; and how maintenance funds were to be donated by private citizens. Mr. Burrows stated that if volunteers do not maintain the trails, it will not occur as the Alliance and Park Trustees Board do not have the funding to pay people to maintain the trails. Mr. Burrows stated that he does not believe that the state can afford to waste money for trails when the state and the entire country is in an economic crisis, and questioned where the D.N.R. is getting all their money from. Mr. Burrows urged the Board to think prior to approving requests.

Alpena County Commissioner and Vice President of the Michigan Association of Counties (M.A.C.) Tom Mulvaney advised that he has been a Commissioner for ten years. Commissioner Mulvaney stated that part of his job with M.A.C. is to visit the counties to determine the issues that the counties are dealing with. Commissioner Mulvaney advised that M.A.C. has a great staff to assist the counties, and urged the Board to contact M.A.C. if there is any issue they believe M.A.C. could assist with. Commissioner Mulvaney presented copies of M.A.C.'s platform and a report from the Justice Center of the Council of State Governments. Commissioner Mulvaney advised that M.A.C. and the Governor are "behind" the Justice Center Report, which he shall be presenting February 23 at the MAC Judiciary Board Meeting.

Mr. Jeff Donier, Ceresco resident, stated that the proposed trailway system blind-sided him. Mr. Donier stated that he is opposed to the trailway and disappointed that the Commissioner representing Convis Township supported Agenda Item 12.A (1) without discussing the trailway with the residents to determine their views.

Mr. La Pietra announced that this is the third Thursday of the month during which Dark Earth Hour is observed at 9:00 p.m. Mr. La Pietra encouraged everyone to turn off unused lights to save power. Mr. La Pietra further announced that on March 28 at 8:30 p.m. Dark Earth Hour shall be observed world wide.

COMMISSIONERS' TIME:

Comr. Rocho addressed the concern raised at the previous Board meeting regarding the expense not to exceed \$3,000 for the Board's Unity and Cooperation Team Building Session, advising that some foundations will consider a grant to cover the expense.

Mr. Gilmer announced that a Resources Fair shall be conducted March 5 from 10:00 a.m. to 6:00 p.m. at the Branch Area Career Center.

Comr. Camp stated that she enjoyed the M.A.C. Legislative Conference which addressed the economic forecast, tax abatements, etc. Comr. Camp stated that the Conference provided a great opportunity to discuss the issues with other Commissioners.

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Res. 43-2009

“Motion by Comr. Camp, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners that determination of the form of Invocation at regularly scheduled Board meetings shall be rotated alphabetically between Commissioners commencing with the March 5, 2009 Board of Commissioners Meeting, without reliance upon any staff resources or time.”

Voice Vote: Yes - 5

Opposed - 1 (Comr. Rocho)

Motion CARRIED

Comr. Rocho explained that her no vote is not that she is opposed to an invocation, only that she wished she had more time to discuss the issue as each Board member represents a large area and she is concerned that someone wishing to participate may be left out and she wants to be fair and equitable.

Vice Chairman Todd announced that this Saturday at 9:00 a.m. at the McQuiston Learning Center at Battle Creek Central High School the N.A.A.C.P. is conducting its Quiz Bowl for youth. Vice Chairman Todd advised that the event is free.

Vice Chairman Todd further announced that tomorrow evening is the Southwest Michigan Urban League of Battle Creek’s awards night in honor of Dream Makers. The event commences at 5:00 p.m. with a silent auction, after which is a dinner at 6:00 p.m. Cost is \$50.

Vice Chairman Todd further announced that Battle Creek Central High School is having a Hall of Fame Banquet on April 19 at the Battle Creek Country Club. The cost is \$35 per ticket.

Comr. Camp announced that the Calhoun County Agricultural and Industrial Society invites the public to a spaghetti dinner fund raiser on March 5 at the B.E. Henry Building. Funds raised shall be used to restore the floral hall.

CLAIMS PAYABLE LISTING:

Res. 44-2009

“Motion by Comr. Haadsma, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve payment of the list of claims against the county in the total amount of \$1, 592,175.95 for the two {2} weeks ending February 11, 2009.”

Roll call vote: Yes - 6 (Comrs. Rocho, Todd, Camp, Gerow, Haadsma and Lee)

Excused - 1 (Comr. Rae)

Motion CARRIED

ADJOURNMENT:

The meeting adjourned at 8:13 p.m. at the call of the Vice Chair.

mlb