

**CALHOUN COUNTY**  
**PROCEEDINGS OF THE**  
**BOARD OF COMMISSIONERS**

March 19, 2009

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

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

Staff Present: Asst. County Administrator Bradley Wilcox, Finance Director Mark Stuhldreher, County Administrator/Controller Kelli Sproule, Human Resource Manager Kim Archambault, Road Commissioner Scott Brown, Sheriff Allen Byam, Road Commissioner Eric Tobin, Veterans Service Officer Jude Lonergan, Circuit Court Administrator Jeffrey Albaugh, Senior Services Manager Carl Gibson, Treasurer Ann Rosenbaum and Deputy Clerk/Board Executive Secretary Mary Lou Barrett.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

A Moment of Silence was observed for Commissioner Todd's Father who unexpectedly passed away. Invocation was given by CitiLinc Executive Director Dale Boyer; followed by the Pledge of Allegiance, led by Comr. Lee.

**APPROVAL OF AGENDA:**

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the March 19, 2009 agenda, as amended, with removal of Item 12.A. (2) -- Calhoun County Trailway Alliance Grant Application, and Item 12.A. (4) -- Byrne Memorial Formula Grant Program Subcontract.”

Voice Vote: Motion CARRIED

**APPROVAL OF MINUTES:**

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

Voice Vote: Motion CARRIED

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CITIZENS' COMMENTS:

Mr. Creighton Burrows, Marshall resident, advised that he owns 12.8 acres along the Kalamazoo River, and as he previously stated, objects to the proposed Calhoun County Trailway and believes that any funding could be better utilized repairing the roads. Mr. Burrows stated that he will fight the project "tooth and nail" should anyone come onto his property.

Mr. Burrows inquired when the Board is going to do something about getting the Sheriff's Office back to the county seat, pointing out that the Sheriff is in violation of the State Constitution. Mr. Burrows advised that he shall continue to address this issue until something is done.

Mr. Adrian Begal and Ms. Amy Strand, Marshall residents; and Mr. Jim Whitehouse, Albion resident, supported the proposed trailway plan.

Mr. Gardy Berezonsky, Marengo Township resident, questioned the salary rate for the District Court Attorney Magistrate, Deputy Court Administrator; further, inquired whether a majority of the people supporting the proposed trailway live in apartments or own their own property. Mr. Berezonsky inquired who is going to pay for the trailway, and advised that he is not hearing any questions being posed by the Board regarding the trailway.

SPECIAL ORDER OF BUSINESS:

"Cover the Uninsured Week" Proclamation

Chairman Rae read and presented the following proclamation to Regional Health Care Chairman A.J. Jones and Senior Services Manager Carl Gibson.

Res. 53-2009

"Motion by Comr. Haadsma, supported by Comr. Todd, resolved by the Calhoun County Board of Commissioners approve the following proclamation:

WHEREAS, in an effort to promote the importance of healthcare for all citizens, the week of March 22-28, 2009 has been declared "Cover the Uninsured Week"; and

WHEREAS, the goals of this national campaign are in keeping with those of Calhoun County, the Regional Health Alliance Issue Action Group: Access to Care would like to observe this week by bringing awareness to the national and local crisis of the uninsured; and

WHEREAS, over 46 million Americans are uninsured; over 1.2 million Michigan residents do not have healthcare coverage; over 23 thousand Calhoun County residents do not have

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healthcare coverage, and thousands die each year, from diseases that are treatable or preventable, because they do not have health coverage; and

WHEREAS, Calhoun County is addressing this issue by promoting utilization of local healthcare resources, such as the Calhoun Health Plan, Calhoun County Public Health Department, Family Health Center of Battle Creek and Albion, Fountain Clinic of Marshall, Nursing Clinic of Battle Creek, Student Health Centers in Albion High and Battle Creek Central High Schools and Springfield Middle School, Battle Creek Health System, Oaklawn Hospital of Marshall, and Calhoun County's 2-1-1 call system; and

WHEREAS, we should observe this significant week to bring awareness of this healthcare crisis, and promote coverage for all citizens; and

WHEREAS, Calhoun County residents are invited to recognize the need for healthcare coverage for all citizens, not just during this week of recognition and awareness, but throughout the year.

NOW, THEREFORE, through the authority vested in me by the Board of County Commissioners of Calhoun County, Michigan, I do hereby proclaim the week of March 22 through March 28, 2009 as "Cover the Uninsured Week" in Calhoun County, Michigan."

Voice Vote: Motion CARRIED

CONSENT AGENDA:

Res. 54-2009

"Motion by Comr. Rocho, supported by Comr. Lee, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following March 19, 2009 Consent Agenda as presented:

A. Petitions, Communications, Reports:

- (1) Copy of a communication remitted to Mr. George Halkett of the Nancy Held Equestrian Center in Albion, Michigan, received from the Michigan Department of Agriculture advising that he has met all of the requirements set forth by the MAEAP Cropping System. (Received and placed on file, with a copy remitted to Health Officer Jim Rutherford)
- (2) Resolutions received from Antrim and Lenawee Counties encouraging the Mason County Board of Commissioners to join the Michigan Association of Counties. (Referred to the Legislative Liaisons)

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- (3) Notice of a public hearing scheduled for March 17, 2009 regarding approval of revised costs and completion date for Industrial Facilities Tax Exemption Certificate holder Yorozu Automotive received from Battle Creek City. (Received and placed on file, with a copy remitted to Equalization Director David Jager)
- (4) Inhalant Awareness Month 2009 Proclamation received from the Substance Abuse Council. (Received and placed on file)

**B. Resolutions:**

- (1) Calhoun County Hospital Finance Authority Appointment  
(Term Expires January 1, 2012)
  - {a} Kelli Sproule
- (2) Calhoun County Information Technology Executive Committee Appointment  
(Term Expires December 31, 2009)
  - {a} Kelli Sproule – County Administration Representative  
(Replacing Greg Purcell)
- (3) Emergency Telephone District Board Appointment
  - {a} Kelli Sproule – Replacing Greg Purcell
- (4) Greater Battle Creek/Calhoun County Visitor and Convention Bureau Appointment  
(Term Expires December 31, 2009)
  - {a} Kelli Sproule – Replacing Greg Purcell
- (5) Homer Lake Management Board Appointment
  - {a} Kirk Lee -- Term Expires December 31, 2010
- (6) Travel Review Committee Appointment
  - {a} Kelli Sproule – Replacing Greg Purcell”

Voice Vote: Motion CARRIED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller's Report

U.S. Census Bureau Activities Presentation Discussion

County Administrator/Controller Kelli Sproule thanked the Board for the opportunity to attend the Board's Unity and Cooperation Team Building Session with Dr. Bender. Ms. Sproule advised that she took notes of some things for her to do and to follow up with the departments. Ms. Sproule further advised that she shall begin to provide Board members with written reports.

Ms. Sproule reported that she had a meeting with the Relationship Specialist with the U.S. Census Bureau, and addressed the packet of information she placed in each Board member's mailbox. Ms. Sproule stated that the Bureau has been aggressive and hired field representatives to work with the municipalities in developing community partnerships to educate the public regarding the importance of the census report. Ms. Sproule further advised that there is also an opportunity of temporary jobs to gather the census information.

Ms. Sproule advised that she hopes that the field representative shall be able to conduct a "kick-off" at the April 2 Board Meeting; further, that at the April 2 Board Meeting a proclamation shall be presented to create awareness of the census.

Chairman Rae added that he also attended the meeting with the Census Bureau representative, and that there may be 150 to 250 jobs available. Chairman Rae advised that the rate of pay would be somewhere around the minimum wage.

**NEW BUSINESS CONTINUED ON PAGE NO. 130**

SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS:

Underage Drinking Forum

Comr. Gerow reported that the Forum of the Substance Abuse Council shall be having a Parents Who Host Lose the Most event Monday, March 23 at 4:00 p.m. at the Lakeview Square Mall.

Community Action

Comr. Camp reported that at the February 23 Community Action Board Meeting the Housing and Support Services Director detailed in-take procedures and recommended some uniformity in guidelines in continuing services to those who are sanctioned. Ms. McFarland reported the start up of the Burnham Brook Café and Catering service which is now run through Community Action. Community Action was able to start the service

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due to \$40,000 received from the Battle Creek Community Foundation. Comr. Camp stated that the annual Walk For Warmth was held February 28. Comr. Camp advised that the Community Action's federal stimulus is anticipated to be \$800,000 which will be expended by the end of September of 2010, primarily for the Head Start Program and the Housing Winterization Program.

Calhoun County Agricultural Preservation Board

Comr. Camp reported that the Board's farmland purchase project is on hold because the state has run out of money for those types of projects.

Potawatomi Resource Conservation and Development Council

Comr. Camp reported that the Council is working on a five-year area plan update which has been submitted for \$6 Million for 42 projects. Comr. Camp advised that the Council is a sponsor of the Athens Farm Market, the Battle Creek Children's Water Festival, and are part of the Michigan Resources Environmental Competition held at Fort Custer for 65 area high school students.

Calhoun County Youth Council

Comr. Haadsma stated that it has been rewarding to go to the many committee meetings; i.e., Gogua Lake Board, Health Board, and Substance Abuse Committee.

Comr. Haadsma reported that he shall be meeting with ten students and shall be submitting their names next week for appointment to the Council.

NEW BUSINESS CONTINUED:

Calhoun County Five Year Recreation Plan Update

Ms. Sproule advised that the Plan Update to the Plan adopted by the Board for 2002-2007 is provided by the Park Trustees Board. Ms. Sproule requested Mr. Garnett, President of the Calhoun County Trailway Alliance address the trailway plan.

Mr. Garnett advised that the Alliance assumed a role in preparing the Recreation Plan, and that the trailway plan is a very important part of the Plan. Mr. Garnett stated that approval of the Recreation Plan is a requirement of the Department of Natural Resources, further, that the Plan must be approved by April 1 for the county to make applications for funding, and is also required for any recreational developments for any township that does not have their own plan.

Comr. Camp stated that it is her understanding that the endowment fund has not been established yet. Mr. Garnett advised that the fund will be established in the form of grants from most likely more than one

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foundation and from individuals. Mr. Garnett advised that the Alliance is approaching a number of people; further, there is the potential of funding from the National Parks Service. Mr. Garnett stated that the endowment fund will be for trailway repair and maintenance.

Chairman Rae requested clarification that the Alliance is only requesting that the Board support the Plan, not provide any funding. Mr. Garnett responded that no funding shall be requested from the county.

Chairman Rae stated that the trailway in Benzie County is gorgeous and has been an economic “boom” for Frankfort, Beula and other surrounding communities. Chairman Rae advised Mr. Garnett that he supports the Alliance’s initiative.

Res. 55-2009

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the February 2009 Update to the Calhoun County Five Year Recreation Plan, as recommended by the Calhoun County Park Trustees Board; further, support the related application for grant funding through the Department of Natural Resources Trust Fund to support the trailway initiatives contained within the Plan.”

Comr. Camp stated she enjoyed going through the Plan and talking to the staff. Comr. Camp advised that the Department of Natural Resources funding comes from a timber project, that the funding to be received is not road money, and that it is not possible to transfer road monies to the trailway initiative. Comr. Camp continued that there shall be nothing to compel a property owner to have to sell their land for the trailway.

Road Commissioner Eric Tobin stated that the Park Trustees Board is in full support of the Trailway Master Plan. Mr. Tobin stated that he believes it will be a great thing for community residents and shall affect tourism. Mr. Tobin urged the Board to approve the Plan.

Comr. Haadsma advised that he regularly uses the Kal-Haven Trail. Comr. Haadsma stated that the Linear Trail has been a great benefit to the City of Battle Creek, and advised that he shall support the Plan.

Roll call vote: Yes - 7 Motion CARRIED Unanimously

District Court Attorney Magistrate, Deputy Court Administrator Appointment Confirmation

Ms. Sproule advised that the Attorney Magistrate position has been vacant since January. Ms. Sproule stated that it is within Chief Judge Holmes’ purview to make the appointment.

Comr. Haadsma stated that he supports the appointment. Comr. Rocho advised that she has worked with Attorney Miller and believes she is a good choice.

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Res. 56-2009

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

WHEREAS, Chief Judge John R. Holmes appointed Katherine K. Miller as Attorney Magistrate, Deputy Court Administrator to the Tenth District Court; and

WHEREAS, the Attorney Magistrate, Deputy Court Administrator is a budgeted position within the Tenth District Court; and

WHEREAS, M.C.L. 600.8501(1) states that magistrates shall be appointed by the judges of the district and the appointment shall be subject to approval of the county board of commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the Calhoun County Board of Commissioners approve the appointment of Katherine K. Miller as Attorney Magistrate, Deputy Court Administrator for the Tenth District Court.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Circuit Court Hearing Rooms Recording System Purchase Bid Award

Asst. County Administrator Bradley Wilcox advised that the recommendation is the result of a formal bid, required as the purchase amount is over \$20,000. Mr. Wilcox advised that two bids were received and the evaluation committee recommends bid award to BIS that presented the lowest cost and most responsible proposal.

Circuit Court Administrator Jeffrey Albaugh stated that the court’s current audio recording system located in four hearing rooms is no longer supported by the manufacturer and parts availability has become an issue. Also the current system does not allow for remote appearances. Mr. Albaugh advised that the current system will go to the District Court for use as parts in maintaining their system. Mr. Albaugh further advised that the new system is eligible for Title IV-D funding reimbursement, and that the Court shall be receiving \$20,000 in reimbursement of Friend of the Court funds from the state.

Chairman Rae stated that the equipment has been in the hearings rooms for some time, and that trying to get things off the system has not worked well.

Mr. Wilcox stated that the system is an important link for arraignments, and advised that he shall be working with the Sheriff Department to acquire funding.



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Comr. Camp inquired whether the system displaces any court reporters/stenographers. Mr. Albaugh responded No.

Res. 57-2009

“Motion by Comr. Haadsma, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners award the bid {RFP#101-09} in the amount of \$35,992.70 to BIS (Business Information Systems) for purchase and installation of a digital recording system for four Circuit Court hearing rooms located in the Calhoun County Justice Center; further, authorize the County Administrator/Controller to approve a budget adjustment in the amount \$36,000 from the Friend of the Court Fund Balance to cover said purchase.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

Corporation Counsel and Freedom of Information Act Coordinator Appointment

Ms. Sproule stated that at the last Board meeting she was authorized to negotiate with Attorney Lindsey, which has occurred and all the necessary H.R. work has been completed.

Ms. Sproule advised that Attorney Lindsey graduated from Marshall High School, did his undergraduate work at Albion College and graduated from the George Washington University National Law Center. Attorney Lindsey comes to the county with fifteen years of experience practicing law at Marcoux, Allen, Schomer, Bower, Nichols, Kendal & Lindsey, P.C., which is Jackson’s largest and oldest law firm specializing in corporate, municipal and local government law. Ms. Sproule advised that Attorney Lindsey is scheduled to commence work on Monday, March 23.

Attorney Richard Lindsey, Jr. advised that he was born in Battle Creek and used to live in Marengo Township. Atty. Lindsey stated that he is glad to be back working in Calhoun County and looks forward to commencing work on Monday.

Chairman Rae advised Attorney Lindsey that all of the Board members were very impressed with his qualifications.

Res. 58-2009

“Motion by Comr. Lee, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners appoint Richard C. Lindsey, Jr. Corporation Counsel and Freedom of Information Act Coordinator for Calhoun County at Pay Grade 9A of the County Non-Union Scale with a salary range of \$70,624.16 - \$87,079.40.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

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February 2009 Financial Statements

Finance Director Mark Stuhldreher presented the Report and apologized for its late delivery. Mr. Stuhldreher explained the format of the Report and advised that activity through February indicates that the revenue and expenditure balances of all funds are within the budget standard, however, that General Fund expenditures are not in line with expectations due to the number of payrolls reflected within the February financial statements.

CITIZENS' COMMENTS:

Mr. John La Pietra, Marshall resident, urged everyone to observe Dark Earth Hour tonight at 9:00 p.m. by turning off all unnecessary lights and power. Mr. La Pietra advised that this month is also the observance of the world-wide Dark Earth Hour which will be observed on a Saturday evening. Mr. La Pietra advised that this month is also the anniversary of the loss of a good person, Rachel Corrie, who died six years ago.

Mr. La Pietra encouraged anyone interested in assisting him in his Calhoun County Public Participation Project to join him Sunday, March 22 at the Marshall District Library at 1:30 p.m. Mr. La Pietra advised that he can be contacted at 781-9478 or by email at jalp@triton.net.

Mr. Burrows stated that when he purchased his 12.8 acres along the river it was with the same intention as those that offered their comments regarding the proposed trailway; e.g., having a place for his kids and grand kids to come out and enjoy nature. Mr. Burrows stated that if those that live in the cities want nature and hiking trails, they should do as he did and buy the land, then see how many people they want stomping around through their land. Mr. Burrows stated that he is opposed to the creation of trailways that would trespass through other people's land. Mr. Burrows continued that it is too bad that people that live in the cities think the people in the rural areas should provide nature trailways for them, pointing out that is the purpose of sidewalks.

Mr. Berezonsky again inquired regarding the salary rate for the Attorney Magistrate.

Mr. Berezonsky stated that he hopes the new Corporation Counsel will update the Board regarding notification of meetings. Mr. Berezonsky advised that the notices are posted inside the building where the public cannot see them on the weekends. Mr. Berezonsky stated that either the notice should be posted outside or the building should remain open.

Road Commissioner Tobin thanked Ms. Sproule for coming out to the Road Commission last night.

COMMISSIONERS' TIME:

Comr. Lee advised that recently Albion lost Gerry Sigarski, who was the founder of T-ball. Comr. Lee announced that starting tomorrow running through April 30 is the Pride and Passion Exhibit at the Albion Public Library and encouraged everyone to come and visit.

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Comr. Camp thanked Mr. Albaugh for providing advance notice regarding the bid process, and Mr. Stuhldreher for the financial update tonight.

Comr. Todd expressed his appreciation to Board members and staff for the flowers that arrived at his Father's funeral. Comr. Todd stated that when he walked into the funeral home and saw that the flowers were from his fellow colleagues it meant a lot to him and he shall never forget it. Comr. Todd advised that he was raised by his Mother, however, that he and his Father had a good relationship; and he is thankful to God that his Father took his gift of playing the bass back to playing in the church.

CLAIMS PAYABLE LISTING:

Res. 59-2009

“Motion by Comr. Rocho, supported by Comr. Lee, 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 \$682,688.94 for the two {2} weeks ending March 11, 2009.”

Roll call vote: Yes - 7 Motion CARRIED Unanimously

ADJOURNMENT:

The meeting adjourned at 8:21 p.m. at the call of the Chair.

mlb