

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

March 18, 2010

The Regular Session of the Calhoun County Board of Commissioners convened at 7:05 p.m., Thursday, March 18, 2010 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

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

Staff Present: Corporation Counsel Richard Lindsey, Jr., Human Resources Manager Kim Archambault, Finance Director Mark Stuhldreher, Assistant County Administrator Bradley Wilcox, Juvenile Home Director Michael Gillum, Health Officer James Rutherford, Dispatch Center Director Jeff Troyer, County Administrator/Controller Kelli Scott, Deputy Equalization Director John Hippensteel and Deputy Clerk/Board Executive Secretary Mary Lou Barrett.

INVOCATION AND PLEDGE OF ALLEGIANCE:

A Moment of Silence was observed in remembrance of Bill Knapp; followed by the Pledge of Allegiance, led by Comr. Rocho.

APPROVAL OF AGENDA:

“Motion by Comr. Camp, supported by Comr. Rocho, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the March 18, 2010 agenda as presented.”

Voice Vote: Motion CARRIED

APPROVAL OF MINUTES:

“Motion by Comr. Todd, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the March 4, 2010 minutes as presented.”

Voice Vote: Motion CARRIED

CITIZENS' COMMENTS:

Calhoun County Conservation District Coordinator and Calhoun County Trailway Alliance Member James Coury, urged the county to be the fiduciary for the Calhoun County Trailway; further, to support the phosphorus ban.

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Battle Creek City Planners Jeff Spolstra and Chris Kosmowski urged the Board to support the fertilizer regulation.

Mr. Bob Coward urged the Board not to support the fertilizer regulation as the Health Department has advised that the regulation will not be enforced, and because he believes such laws are a clean water issue which should be regulated by the Department of Agriculture.

Mr. Adrian McGill, Marshall resident, urged the Board to support the trailway.

SPECIAL ORDER OF BUSINESS:

Calhoun County Trailway Trust Grant Application Public Hearing

Chairman Rae declared the public hearing open for discussion at 7:18 p.m.

Calhoun County Trailway Alliance President Tom Garnett requested that the county be the applicant for \$500,000 to support the balance of funds coming from the Michigan Department of Transportation (MDOT), and local funds being worked on at this time.

Ms. Nancy Krupers of the Michigan Trails and Greenways Alliance advised that she supports the trailway which she believes is important to Michigan's tourism.

Chairman Rae declared the public hearing closed at 7:26 p.m.

Special Tribute in Remembrance of Jude Lonergan

Comr. Camp read and Chairman Rae presented the following tribute to James Lonergan.

Res. 33-2010

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

WHEREAS, JUDE LONERGAN, Veterans Service Officer of the Calhoun County Veterans Affairs Department, is missed by her fellow employees, friends and loved ones, and the veterans of Calhoun County; and

WHEREAS, JUDE LONERGAN first commenced her employment with Calhoun County within the Clerks Office, and then transferred to the Calhoun County Veterans Affairs Department; where she was the sole person in the Veterans Affairs Department for over two years while building knowledge to become a full fledged Veterans Service Officer through the National

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Association of County Veterans Services Office.

Jude was always the first person to effectively represent the veterans that required assistance, including acting as Attorney-in-Fact to assist veterans in applying for benefits. She was thorough in following up with landlords, employers, and various service support agencies; and fellow employees have commented that Jude was a joy to work with, always respectful and compassionate.

WHEREAS, Jude was instrumental in establishing a solid relationship with the Veterans Administration Medical Center in Battle Creek; and

WHEREAS, Jude tirelessly volunteered for several veterans support activities sponsored by the Michigan Department of Veterans Affairs, the Michigan Army National Guard, the Michigan Air National Guard and the National Cemetery in Battle Creek; and

WHEREAS, Jude was current with all Federal, State and local veterans benefits information, was a dedicated member of the Michigan Association of County Veterans Counselors, and faithfully attended many Board of Commission meetings in her quest for information.

NOW, THEREFORE, WE, the Calhoun County Board of Commissioners wish to posthumously honor JUDE LONERGAN for her tireless support of and assistance to the veterans of Calhoun County.”

Voice Vote: Motion CARRIED

State Representative Jase Bolger and Senator Mike Nofs also presented Mr. Lonergan with a tribute on behalf of the House of Representatives, the Senate, the Governor’s Office and Representative Segal.

CONSENT AGENDA:

Res. 34-2010

“Motion by Comr. Haadsma, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the following March 18, 2010 Consent Agenda as presented:

A. Resolutions:

- (1) Calhoun County Solid Waste Management Planning Advisory Committee Appointments

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(Terms Expire December 31, 2011)

- {a} Arnold Arquette -- General Public Representative
- {b} Brandy Cherney – Solid Waste Industry Representative
- {c} Lewis Cooper -- General Public Representative
- {d} Steve Essling – Solid Waste Industry Representative
- {e} John LaForge – General Public Representative
- {f} Mike Myszka – Industrial Waste Generator Representative

(2) Southwest Michigan Solid Waste Consortium Appointment

- {a} Tiffany Eichorst -- Term Expires December 31, 2010

(3) Southwest Michigan Solid Waste Consortium Advisory Committee Appointment

- {a} Tiffany Eichorst -- Term Expires December 31, 2010”

Voice Vote: Motion CARRIED

PETITIONS AND NEW BUSINESS:

County Administrator/Controller’s Report

March 19, 2010 Strategic Planning Session

County Administrator/Controller Kelli Scott announced that tomorrow is the Board’s strategic planning session commencing at 1:00 p.m. at the Calhoun Intermediate School District. Ms. Scott advised that there is a different facilitator this year and that the elected officials were invited to attend the update of the plan from last year, which will be either reaffirmed or objectives deleted.

March 3-5, 2010 M.M.R.M.A. Workshop Update

Ms. Scott reported regarding topics addressed at the workshop in Grand Rapids; i.e., the Governor’s race, the census, redistricting, legislative updates, and the two seats that will be open on the Michigan Supreme Court next year.

2010 Property Values

Ms. Scott advised that April is the county equalization session at which the Board shall receive the assessed property valuations. Ms. Scott stated that last year the county experienced a negative CPI that resulted in a 3.5

percent reduction. Assessed valuations are down 6 percent and the valuations for the residential classification are down 9 percent county-wide. Ms. Scott advised that another decrease is expected for next year.

Calhoun County Trailway Grant Application

Ms. Scott advised that the reason the county must apply for the funding is because program must fit within the County's Master Park Plan. The Road Commission will be the applicant for most of the project. Ms. Scott further advised that it will be necessary to have an agreement with the Calhoun County Trailway Alliance, the Road Commission, and the County regarding the funding.

Res. 35-2010

“Motion by Comr. Haadsma, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the 2010 Grant Application for the Calhoun County Trailway Project in the amount of \$500,000 and authorize the County Administrator/Controller to execute the grant application; further, authorize the Board Chairman to execute the Documentation of Site Control for remittance to the Michigan Department of Natural Resources Trust Fund.”

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

Energy Efficiency and Conservation Multipurpose Block Grant Acceptance

Ms. Scott advised that the grant will allow the county to do energy improvements in most of the county facilities. Ms. Scott advised that the agreement has been approved by Corporation Counsel.

Res. 36-2010

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners authorize the County Administrator/Controller to execute the Energy Efficiency and Conservation Multipurpose Block Grant Agreement between the County of Calhoun and the State of Michigan Department of Energy, Labor and Economic Growth, Bureau of Energy Systems in the amount of \$351,450 on behalf of Calhoun County.”

Comr. Rocho inquired regarding anticipated cost savings. Ms. Scott responded that she does not have the final scope yet, however, that the overall savings shall be reported with the Honeywell Project. Comr. Rocho inquired when the Honeywell Project shall be completed. Asst. County Administrator Bradley Wilcox responded that 20 years is the length of the bonding period.

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Comr. Camp requested an explanation of the progress plan. Mr. Wilcox advised that the plan shall be presented in May along with the Honeywell contract.

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

Discovery of Non-Filing Businesses Agreement

Ms. Scott stated that the Firm identifies businesses that have not filed their personal property statements and shall most likely undercover more property for the tax rolls. Ms. Scott advised that Corporation Counsel has reviewed the agreement.

Res. 37-2010

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Discovery of Non-Filing Businesses Contract between Tax Management Associates, Incorporated and Calhoun County for the period of February 18, 2010 through June 30, 2011; further, authorize the Board Chairman to execute said Contract on behalf of Calhoun County.”

Comr. Camp inquired whether the inquiries to the businesses shall be sent out on county letterhead, and to whom the businesses are to contact should they disagree with any value assessed. Tax Management Associates Representative Bob Lucas responded that the Firm will provide a letter to be placed on county letterhead with Mr. Hippensteel’s signature, and those businesses that do not respond, will be contacted by telephone. Mr. Lucas continued that those that continue to fail to respond, the Firm shall place a value on personal property and the business shall be visited. If the visit is refused, an estimation of value shall be assessed. Mr. Lucas stated that the business can appeal to their local assessor or to the Equalization Department.

Comr. Haadsma asked Mr. Hippensteel how important he perceives the service. Mr. Hippensteel responded that there are a lot of businesses not reporting their personal property and that he believes it is an issue of fairness. Comr. Haadsma inquired of Mr. Hippensteel why he believes there are a lot of businesses in Calhoun County not filing. Mr. Hippensteel responded that he worked with the City of Battle Creek to locate those businesses. Mr. Hippensteel advised that Van Buren County utilizes the service and is very pleased with the results. Comr. Haadsma requested an estimate of the return on the county’s investment. Mr. Lucas responded that he does not have the actual numbers with him, however, that within Mr. Hippensteel’s memorandum Detroit’s tax roll was increased by 30 percent which added \$276 Million in discovered value.

Comr. Camp inquired whether the Board will have the opportunity to assign the amount payable to the businesses. Mr. Lucas responded “That’s the function of your Equalization Director.”

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Comr. Haadsma advised that last night Commissioner Gerow and he discussed this agreement, and that Commissioner Gerow raised a legitimate concern regarding the small business owners. Comr. Haadsma advised that he intends to support the agreement,

Comr. Gerow advised that she shall not support the service because she believes there is a big gap between franchises and “mom and pop” businesses.

Comr. Camp noted that the Department can assess back 3 years, and inquired how a business would be able to get “caught up,” pointing out that a business could be totally unaware. Comr. Camp further inquired what provision the Department envisions for working with the businesses. Mr. Lucas responded that it shall be at the Equalization Director’s discretion to work out payment arrangements. Comr. Camp inquired whether the local units of government support the service. Mr. Hippensteel advised that he has discussed and received support of the service from the local units, most of the school districts, and all of the libraries. Ms. Scott advised that she has discussed the service with the city managers and they support the service.

Comr. Camp advised that two township supervisors within her district feel they were not given the opportunity to discuss the service prior to its coming before the Board for a vote, and wishes that the county could have done more of an educational role. Ms. Scott stated that the county attempted to reach out, further pointed out that the county is not asking for the local units of government’s commitment or to cover any of the costs of the service; therefore, she is not sure why there should be the concern.

Chairman Rae stated that there is good reason to believe that certain businesses have not been paying what they should have, and that if every business were not to pay, then the other businesses would have to pay more. Chairman Rae pointed out that there is a procedure in place to resolve disputes.

Comr. Rocho called for the question of whether to cease debate and vote on the question on the floor.

Roll call vote: Yes - 4 (Comrs. Rocho, Todd, Haadsma and Rae)
 No - 2 (Comrs. Camp and Gerow)
 Excused - 1 (Comr. Lee)
 Motion CARRIED

FireKeepers Local Revenue Sharing Board Administrative Services Agreement

Ms. Scott advised that at the March 8 Local Revenue Sharing Board Meeting, the Board requested a proposal to perform administrative functions for the Board. An agreement for a cost of \$25,000 for 2010 has been developed and approved by the Board. The money would be placed within the General Fund.

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Res. 38-2010

“Motion by Comr. Rocho, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Agreement for Administrative Services between Calhoun County and the FireKeepers Local Revenue Sharing Board in the amount of \$25,000 for the period of January 1, 2010 through December 31, 2010; further, authorize the Board Chairman to execute said Agreement on behalf of Calhoun County.”

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

Chairman Rae advised that the Board will have letterhead, that accounts have been established, and a federal identification number has been secured. Ms. Scott stated that there was a lot of discussion regarding the Board having the appearance of independence. Chairman Rae pointed out that a lot of the work to get the Board “up and running” has been accomplished.

Tentative Emergency Telephone Service District Final Plan Adoption

Ms. Scott advised that a public hearing is being scheduled for June 17, then the Board shall be requested to adopt the final updated plan.

Corporation Counsel Richard Lindsey, Jr. advised that the plan has been filed with the state. Mr. Lindsey stated that the plan reflected the consolidated dispatch authority and shall be sent out to the local units of government who have an opportunity to exempt themselves.

Dispatch Center Director Jeff Troyer advised that last week he received cessation to function as PSAPs from the three cities.

Res. 39-2010

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

WHEREAS, the Board of the Calhoun County Consolidated Dispatch Authority has reviewed and recommend that the Calhoun County Board of Commissioners, pursuant to MCL 484.1303

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of the Emergency 9-1-1 Service Enabling Act, tentatively adopt the revised Calhoun County Emergency Telephone Service District “Final Plan”; and

WHEREAS, pursuant to MCL 484.1309, the Tentative Plan will become the final plan after a public hearing is held as required by MCL 484.1309, and, pursuant to MCL 484.1310, after formal adoption of the Final Plan by the Calhoun County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, that the attached tentative Emergency Telephone Service District “Final Plan” is hereby adopted; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that a public hearing shall be held on June 17, 2010, at 7:00 p.m., in the Board of Commissioners Chambers, Calhoun County Building, 315 W. Green Street, Marshall, MI 49068.”

Comr. Camp advised that she shall not support the plan because although the local municipalities have been “brought along” in the process, she does not believe the citizens have. Chairman Rae questioned whether anyone can remember when three separate entities in Calhoun County gave up something. Chairman Rae stated that to even suggest that the general public has not been kept advised of changes to the plan, just is not true. Chairman Rae advised that staff has gone out and talked to the fire and police chiefs, township people; and has done more than due diligence to bring this wonderful entity into fruition.

Roll call vote: Yes - 5 (Comrs. Gerow, Haadsma, Rae, Rocho and Todd)
No - 1 (Comr. Camp)
Excused - 1 (Comr. Lee)
Motion CARRIED

Juvenile Accountability Block Grant Agreement

Ms. Scott advised that the grant requires a \$1,501.10 match from the county, which will come from the Juvenile Home Building and Ground Fund.

Res. 40-2010

“Motion by Comr. Haadsma, supported by Comr. Camp, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Juvenile Accountability Block Grant Agreement {JAIBG-10-13001} between the Michigan Department of Human Services and Calhoun County in the amount of \$13,509.90 for the period of April 1, 2010 through March 31, 2011; further, authorize the Board Chairman to execute said Agreement on behalf of Calhoun

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County.”

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

Household Hazardous Waste Collection Services Bid Award

Ms. Scott advised that the bid is for five years in the annual amount of \$20,500.

Res. 41-2010

“Motion by Comr. Rocho, supported by Comr. Todd, adopt the following: Resolved by the Calhoun County Board of Commissioners award the bid {RFP#101-10} for the provision of household hazardous waste collection services for Calhoun County in the estimated annual amount of \$20,500 to Drug & Laboratory Disposal, Inc. of Plainwell, Michigan; further, authorize the Board Chairman to execute an Agreement not to exceed five {5} years with Drug & Laboratory Disposal, Inc. on behalf of Calhoun County.”

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

Health Department Regulation Regarding the Use of Lawn Fertilizer

Ms. Scott advised that the regulation shall be effective 45 days after its adoption.

Chairman Rae inquired how the regulation shall be enforced. Health Officer James Rutherford responded that enforcement shall be handled by existing Health Department staff. Mr. Rutherford advised that there is not a lot of history of regulatory oversight, that the regulation is similar to the smoking regulation.

Comr. Camp inquired regarding the Department’s process of notifying the public, and how the Department shall determine infractions. Mr. Rutherford responded that the regulation is an educational regulation, and that if the Department gets involved in its regulation, infractions would be handled on a complaint basis.

Res. 42-2010

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“Motion by Comr. Haadsma, supported by Comr. Gerow, adopt the following: Resolved by the Calhoun County Board of Commissioners approve the Health Department Regulation Regarding The Use Of Lawn Fertilizer In Calhoun County, effective 45 days upon approval of said Regulation by the Calhoun County Board of Commissioners.”

Comr. Camp stated that she does not believe her inquiries were answered, and again inquired whether the Health Department shall be notifying the public. Mr. Rutherford responded that the public shall be notified similar to what the City of Battle Creek did. Mr. Rutherford stated that he anticipates letters going out to the businesses that sell the products. Mr. Rutherford advised that there was not a significant amount of input from the citizens at the public hearing.

Comr. Haadsma advised that he is a member of the Goguac Lake Board, and that none of the members addressed any concerns with the regulation. Comr. Haadsma further advised that he, Ms. Kosmowski and Mr. Rutherford met with Mr. Coward and that it was a constructive meeting. Comr. Haadsma called for the question of whether to cease debate and vote on the question on the floor.

Roll call vote: Yes - 5 (Comrs. Rae, Rocho, Todd, Gerow and Haadsma)
No - 1 (Comr. Camp)
Excused - 1 (Comr. Lee)
Motion CARRIED

Internal Revenue Service 2007-2008 Audit Settlement

Ms. Scott advised that the Internal Revenue Service conducted an audit in June with a focus on independent contractors and employee tax reporting issues. The examination disclosed that payments to approximately 80 vendors were not reported to the IRS and the vendors through the filing of required 1099's, and it was determined that certain workers classified as contractors should have been classified as employees. Ms. Scott advised that the settlement amount will come out of the General Fund fund balance.

Res. 43-2010

“Motion by Comr. Rocho, supported by Comr. Haadsma, adopt the following: Resolved by the Calhoun County Board of Commissioners approve settlement with the Internal Revenue Service in the amount of \$58,857.65 for payment of taxes and penalties for FY 2007-2008; further, authorize the County Administrator/Controller to execute the Closing Agreement and Forms 2504 and 2504-WC; and further, authorize a FY 2010 budget amendment in the amount of

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\$58,857.65 to be expensed from the General Fund fund balance.”

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

CLAIMS PAYABLE LISTINGS:

Res. 44-2010

“Motion by Comr. Haadsma, supported by Comr. Todd, 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 \$1,118,969.43 for the two {2}weeks ending March 11, 2010.”

Voice Vote: Motion CARRIED

CITIZENS' TIME:

Mr. Garnett thanked the Board for approving the trailway grant application.

Ms. Kosmowski thanked the Board for approving the fertilizer regulation.

Mr. Coward pointed out that the numbers on the fertilizer bags are the minimum. Mr. Coward advised that he has discussed the regulation with fertilizer distributors, and they will simply change the numbers on the bags to comply.

Mr. Coward advised that he was invited to a Health Board meeting to speak, however, that he felt that the decision regarding the regulation had already been determined; further, that when he did speak regarding the regulation, he was advised that he should not, that he did not have the right.

COMMISSIONERS' TIME:

Comr. Camp thanked Ms. Kosmowski for her work in promoting soil testing. Comr. Camp stated that she agrees that phosphorus is not good for the environment, however, believes that there should have been an educational program.

Comr. Haadsma addressed Bill Knapp's contributions to his community, and advised that a memorial service

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for Mr. Knapp will be March 26 at 11:00 a.m. at the Burnham Brook Center.

Comr. Todd offered his condolences to Mr. Knapp's family. Comr. Todd advised that he knew Mr. Knapp for several years and that one thing he loved about him was his passion to see people treated fairly and with respect, and the love he had for his family. Comr. Todd stated that Mr. Knapp will be dearly missed.

Comr. Camp invited everyone to attend the steak dinner benefit at the Home Grange on March 24 at 7:00 p.m.

Comr. Rocho advised that she worked with Mr. Knapp on the Private Industry Council and he was very tenacious in his efforts. Comr. Rocho expressed her deep regret of Mr. Knapp's passing.

Chairman Rae stated that Mr. Knapp was a really, really good man.

ADJOURNMENT:

The meeting adjourned at 9:08 p.m at the call of the Chair.

mlb