

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

March 17, 2011

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, March 17, 2011 in the Commissioners' Meeting Room, County Building, Marshall, Michigan.

Chairman Kale called the meeting to order and requested the Deputy Clerk call the roll.

Present: Comrs. Behnke, Todd, Haadsma, Frisbie, Camp, VanSickle and Kale

Staff Present: Administrator/Controller Kelli Scott, Assistant County Administrator Brad Wilcox, Corporation Counsel Richard Lindsey, Administrative Assistant Katie Kelly

2 and 3. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Matt Willis, a Tibetan Lay Buddhist Practitioner/ Meditation Instructor and practicing Battle Creek area Kagyu Buddhist as a guest of Comr. Haadsma. This was followed by Comr. Camp leading the Pledge of Allegiance.

4. APPROVAL OF AGENDA

“Moved Comr. Frisbie, supported by Comr. Behnke to suspend rules to limit public comment to two minutes.”

On a voice vote, Motion CARRIED

“Moved Comr. Camp, supported by Comr. Frisbie to amend Item 7 to insert Item 8 from the previous meeting so that the County Commissioners can comment relative to the Ott public hearing including questions and answers.”

On a voice vote, Motion CARRIED

“Moved Comr. VanSickle, supported by Comr. Frisbie to approve the March 17, 2011 Calhoun County Board of Commissioners Regular Meeting Agenda as amended.”

On a voice vote, Motion CARRIED

5. APPROVAL OF MINUTES

“Moved Comr. Behnke, supported by Comr. Todd to approve the minutes of the March 3, 2011 Calhoun County Board of Commissioners Regular Meeting as presented.”

On a voice vote, Motion CARRIED

6. CITIZEN COMMENTS

Carrying over from the informational session prior to the Commission meeting, seven citizens spoke in favor of the paving of the trail in the Ott Preserve, five spoke against and four believed there would be positives and negatives and were undecided.

Chris Vreeland, Calhoun County Parks Board Trustee, stated he had received some clarifying information regarding ADA compliance and suggested people visit [www.ottpreserve.com](http://www.ottpreserve.com) for more information. He also assured everyone that the trail would not cross any private property.

7. COMMISSIONER COMMENTS REGARDING THE SPECIAL MEETING ON THE OTT PRESERVE

Comr. Camp requested that Parks Trustee Vreeland explain his five point compromise and that Holly Vickers give an overview of what could be permitted.

Parks Trustee Chris Vreeland explained his five guiding principles for what he hoped the Commission would adopt for whatever results they chose. He stated they were 1) use existing pathways rather than create new and modifications to existing pathways only when necessary to meet ADA and ASHTO requirements; 2) no paving unless deemed necessary by engineers or required by ADA; 3) no leveling of the eskers and no significant disturbing of the eskers; 4) cut primarily invasive species and minimal cutting of trees; and 5) restructure the Parks Trustee Board.

Holly Vickers of the MDEQ permitting division stated that when applying for the permit, the purpose and need has to be stated then the next step is to show alternatives that have been explored. She stated her recommendation would be to avoid the wetlands and try to use an existing path or area that has already been impacted.

Comr. VanSickle asked Ms. Vickers to confirm that there had not been approval of any part of the trail, including the wetlands.

Ms. Vickers stated she had done preliminary reviews and had tentatively agreed with the concept the Trailway Alliance had presented. She stated that since she has not received an application, she can encourage and recommend things but cannot approve.

Comr. Haadsma stated that Ms. Vickers had encouraged the Commission not to let the funding go, to choose the alternative that the community believes is best and that she had gone so far as to tour the Ott and walk the path so he would like to know that with all her experience, what would be, in her opinion, the best option. Ms. Vickers stated that she would recommend that if the Commissioners agreed to take the funding, they should decide the best alternative for a path. She stated that the Commissioners should at least agree to take the funding then they can decide the specifics later. She stated that the alignments are what a consultant would decide, she could not tell the County what the alignments should be but the ideal situation would be to avoid the wetlands.

Comr. Frisbie asked if Ms. Vickers could provide the Commissioners with a map that showed the wetlands the DEQ would not allow the trail to touch. Ms. Vickers stated the maps were available.

Tom Garnett, Trailway Alliance, clarified that when they applied for the grant, MDOT required that they give a corridor for the trail, a master plan. He stated they were also required to look at alternatives, which they did.

Comr. Kale asked if there was communication with the Friends of the Ott before the Master Plan was defined. Mr. Garnett stated there had been communication with the Friends of the Ott and they had shown support for the trail but had concerns over the type of materials to be used. He stated there were options for the type of material they would use that had not been decided.

Comr. Haadsma asked Dr. Comai what his idea of reasonable alternatives would be. Dr. Comai stated that he believed the most viable alternative would be the Consumers Energy right of way. He stated the biggest problem with that is dealing with Michigan Avenue and the waterway, as you would need to build a bridge. He stated you could also bring it out on Wattles Road. He stated that the concept of a hardened trail through a nature preserve that permanently alters the glacial and environmental structures is unacceptable.

Mr. Sophia stated that the trail would not be derailed by not going through the Ott because it is a state-wide initiative and there are people at a much higher level who want the trail to go through. He stated the system itself is a worthwhile project but he doesn't agree with this two mile stretch of it. Comr. Camp asked Mr. Sophia if there was any way of getting down to agreements on types of pathways before a request for proposal was sent out. Mr. Sophia stated that he didn't believe bringing in equipment to clear the path and level the area would be an improvement to the area and he has a difficult time squaring that with the preservation of the property. Comr. Camp asked if there were any trails Mr. Sophia would find acceptable to modify. Mr. Sophia talked about a trail to the east of the power lines.

Corporation Counsel Lindsey stated that the Commissioners have the option of exploring alternatives and any issues can be worked out in the agreements. He stated there seems to be some room for compromise and the Commissioners can decide how involved they want to be in the development.

Comr. Kale inquired if the Trailway Alliance and the Friends of the Ott have sat down together and discussed the issues and tried to work together. Mr. Sophia stated they have had about 6 meetings.

Comr. Haadsma asked Nancy Kubiars from the Great Lakes Trail to Trail group if the route was important or just the linkage. She replied that they wanted the linkage but the quality of the route affects the whole trail. She stated the purpose of the trail was to be off the road to enjoy the nature experience and from a tourism standpoint it's important to bring the trail through the natural areas so people can enjoy Michigan's untouched areas.

Comr. Camp thanked the public, the Road Commission, the Parks Trustees, Ms. Vickers, Mr. Susman and the Trailways Alliance. She stated she hoped that, working with Corporation Counsel, a compromise could be worked out.

## 8. SPECIAL ORDER OF BUSINESS

There was none.

## 9. CONSENT AGENDA

### A. Petitions, Communications, Reports

There were none.

### B. Resolutions

#### 1. Calhoun County Board of Health Appointment (Term Expires December 31, 2011)

{a} Paul Yettaw  
(Replacing Samantha Pearl)

#### 2. Summit Pointe Board of Directors Reappointments (Terms Expire March 31, 2013)

{a} Richard (Trae) Allman  
{b} Allen Schipper  
{c} Paul Tackett

### Res. 28-2011

"Motion by Comr. Behnke, supported by Comr. Todd to approve the following: Resolved the Calhoun County Board of Commissioners to approve the Consent Agenda as presented."

On a voice vote, Motion CARRIED

## 10. SPECIAL COMMITTEE/WORKSHOP/BOARD REPORTS

Comr. Camp stated she had attended the Southwest Michigan Solid Waste Consortium and it was the first (organizational) meeting so they chose a Chair, Vice Chair and Secretary/Treasurer. She then reviewed what was discussed at the meeting, which included a withdrawal of Kalamazoo County from the Consortium.

Comr. Todd stated that he had information from the Solid Waste Committee meeting and he would be updating them at the next meeting.

Comr. Haadsma stated that he and Administrator/Controller Scott met with the District Court Judges in regards to Sobriety and Drug Court funding. He stated they are working with The Coordinating Council, Substance Abuse Council, Psychological Consultants and District Court to try to come up with funding to keep those operations continuing.

11. UNFINISHED AND OLD BUSINESS

There was none.

12. NEW BUSINESS AND COUNTY ADMINISTRATOR'S REPORT

Administrator/Controller Scott stated Enbridge had announced a spring activity update for cleanup updates specifically for the residents of Ceresco but Commissioners would be welcome to attend. She stated the meeting would be held on Thursday, March 24 at 6:30 p.m. at the Baptist Church in Ceresco near the dam.

A. Cognitive Interventions Contract

Administrator/Controller Scott stated the Cognitive Interventions Contract came from the Community Corrections Department, which is part of the Sheriff's Department and had been approved by the Community Corrections Advisory Board and has been signed by the Sheriff as Board Chair. She stated the Sheriff and Community Corrections Manager Jerry Lambert were in attendance to answer questions; the contract was a renewal and was grant funded in an amount not to exceed \$34,786, and it is part of the early release program and is included in the Fiscal Year 2011 Budget.

Res. 29-2011

"Moved Comr. Behnke, supported by Comr. VanSickle to approve the following:  
Resolved the Calhoun County Board of Commissioners approve the renewal of the contract with Cognitive Interventions."

On a roll call vote, Yes – 7, Motion CARRIED

13. CITIZENS' TIME

Senior Services Manager Carl Gibson reminded the Commissioners and public about the Senior Health Fair on April 7 at the Marshall Middle School.

James Berry from Marshall stated he is in support of the trail and believes people will benefit from it. He stated he believes the Calhoun County Trailway Alliance has shown and talked about problems with the Ott but not done anything to help; they just wanted to use it to get the trail through.

John Wright from Battle Creek stated he believes the trail can improve the quality of life and bring connectivity but he thinks the Commission should find a way to compromise so as not to take the trail through one of the few biological preserves in the state.

#### 14. COMMISSIONERS' TIME

Comr. Camp thanked Sheriff Byam and Jerry Lambert for finding creative funding.

Comr. Camp stated she has concerns about the Big Marsh Drain Project presented by Water Resources Comr. Larry Cortright. She stated it is a \$5.5 million project and Comr. Cortright has been suggesting a bond for it. She believes the Comrs. need to have it on their radar, do some research and ask some pointed questions as the project moves forward.

Corporation Counsel Lindsey commented that it had been mentioned several times that the trail would go across private property but he wanted to clarify this will not happen in Calhoun County, they will either need to go along roads or buy private property. He stated that he wanted the Comrs. and citizens to be aware that there would not be an issue with the trail going through any private property.

Comr. Kale reminded the Comrs. they would be voting on the Trailway issue at the April 7 meeting and if they had any questions to submit them to Administration for follow up. He thanked everyone for coming out and expressing their opinions. He stated the Board had been very conscious about trying to give everyone a chance to speak.

#### 15. CLAIMS PAYABLE LISTING

A. Claims Payable List for February 25 – March 10, 2011

##### Res. 30-2011

“Move Comr. Behnke, supported by Comr. Todd to adopt the following: Resolved the Calhoun County Board of Commissioners approve the Claims Payable List for February 25 – March 10, 2011 in the amount of \$1,722,488.32.”

On a roll call vote, Yes – 7, Motion CARRIED

#### 16. ANNOUNCEMENTS

Comr. Van Sickle thanked Sheriff Byam for providing the opportunity for the Commissioners to learn more about the jail system in Calhoun County.

Comr. Camp announced a 4H Swiss steak dinner fundraiser sponsored by the Home Grange Friday, March 25, at the Home Grange Building on the corner of B Drive South and 9 ½ Mile Road starting at 4:00 p.m.

Comr. Camp announced that the Community Emergency Response Team was starting their next class on March 24 and would run for 10 weeks. She stated people could contact Lori Phillips through the Sheriff's Department for more information.

17. ADJOURNMENT

The meeting was adjourned at 8:30 p.m. at the call of the Chair.

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Chairman  
Calhoun County Board of Commissioners

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Clerk  
Calhoun County Board of Commissioners