

CALHOUN COUNTY
PROCEEDINGS OF THE
BOARD OF COMMISSIONERS

May 3, 2012

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, May 3, 2012 in the Commissioners' Meeting Room, County Building, Marshall, MI.

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

Present: Comrs. Dunn, Haadsma, Camp Seifke, Frisbie, VanSickle and Kale

Excused: Comr. Todd

Staff Present: County Administrator/Controller Kelli Scott, Assistant Administrator Brad Wilcox, Corporation Counsel Richard Lindsey, Human Resources Director Kim Archambault and Deputy Clerk Chris McComb

2 and 3. INVOCATION AND PLEDGE OF ALLEGIANCE

The Board held a moment of silence followed by the Pledge of Allegiance led by Comr. Dunn.

4. APPROVAL OF AGENDA

"Moved Comr. Haadsma, supported by Comr. Dunn to approve the agenda of the May 3, 2012 Regular Session of the Calhoun County Board of Commissioners as presented."

On a voice vote, Motion CARRIED

5. APPROVAL OF MINUTES

A. Minutes of the April 19, 2012 Regular Session

"Moved Comr. Dunn, supported by Comr. VanSickle to approve the minutes of the April 19, 2012 Regular Session of the Calhoun County Board of Commissioners as presented."

On a voice vote, Motion CARRIED

B. Minutes of the April 19, 2012 Committee of the Whole Session

“Moved Comr. Frisbie, supported by Comr. Camp Seifke to approve the minutes of the April 19, 2012 Committee of the Whole Session as presented.”

On a voice vote, Motion CARRIED

6. CITIZENS' TIME

Jim Sheldon, 4869 East Paradise Road, presented the Board with a petition signed by Leroy Township residents who have issues with the Water Resources Board. He explained drainage problems with the address 5054 Capital Ave SW and stated the house had been placed on wetland property with no permits. He stated requests from that property owner for drainage work had been denied in the past but were approved by Water Resources Commissioner Cortright. He stated they held a public meeting at Leroy Township Hall, 30 residents showed up and all were against the project but the project was approved. He stated they had tried to appeal but had difficulty. He believed the project would only benefit one man and it would cost taxpayers a lot of money.

Bonnie Digennaro, Battle Creek, expressed opposition to the proposed trailway through the Ott Biological Preserve.

Annette Chapman, Battle Creek, spoke in favor of the proposed trailway through the Ott Biological Preserve.

Adrian Peale, Marshall, spoke in favor of the proposed trailway through the Ott Biological Preserve.

Jerry Keller spoke in opposition of the proposed trailway through the Ott Biological Preserve.

Greg Strand spoke in favor of the proposed trailway through the Ott Biological Preserve.

Ted Kernay, Emmett Township, spoke in opposition to the trailway through the Ott Biological Preserve.

Al Digennaro, Battle Creek, spoke in opposition to the trailway through the Ott Biological Preserve.

Jim Coury, Marshall, spoke in favor of the proposed trailway through the Ott Biological Preserve.

Christian Placencia, Battle Creek, spoke in favor of the proposed trailway through the Ott Biological Preserve.

Lonnie Root, Battle Creek, stated he was not for or against trail but he had lived around the preserve for 67 years and he was concerned that the preserve was never cleaned. He asked the Commissioners to make sure there was money to support and maintain the trail in the long run.

Kevin Kline, Battle Creek, spoke in favor of the proposed trailway through the Ott Biological Preserve.

Bill Reece, Emmett Township, spoke in opposition to the trailway through the Ott Biological Preserve.

Pat Carr, Battle Creek Area Transportation Study, spoke in favor of the proposed trailway through the Ott Biological Preserve.

Larry Rizer, President of the Calhoun County Trailway Association, spoke in favor of the proposed trailway through the Ott Biological Preserve.

Kay Kern, Emmett Township, spoke in opposition to the proposed trailway through the Ott Biological Preserve.

Arthur Hollingsworth spoke in opposition of the proposed trailway through the Ott Biological Preserve.

Tom Carroll, Lakeside Apartments, spoke in favor of the proposed trailway through the Ott Biological Preserve.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

There was none.

8. SPECIAL ORDER OF BUSINESS

A. Teen Pregnancy Prevention Month Proclamation

WHEREAS, May has been designated as National Teen Pregnancy Prevention Month; and

WHEREAS, Friday, May 4 has been designated at the 10th Annual National Teen Pregnancy Prevention Day; and

WHEREAS, locally the Teen Pregnancy Prevention Partnership (TP3) engages diverse partners county wide such as individuals, organizations schools, and local government to support teen pregnancy prevention; and

WHEREAS, the teen pregnancy rate in Calhoun County has been one of the highest in Michigan for nearly 2 decades with a current rate of 80 per 1000 women under the age of 19 compared to the Michigan rate of 54 per 1000 women; and

WHEREAS, teen child bearing has far reaching health impact with infants more likely to be born prematurely, to be low birth weight, to be more likely to suffer abuse and neglect; and

WHEREAS, high rates of teen parenthood lead to a continuing negative cycle with daughters born to teens 3 times more likely to be a teen mom and sons of teens 2 times more likely to be incarcerated; and

WHEREAS, teen parenthood has far reaching social and economic impact on our community affecting rates of school dropout, access to higher education, access to employment opportunities, lower incomes, and higher rates of households headed by a single mother;

NOW, THEREFORE BE IT RESOLVED THAT the Calhoun County Board of Commissioners do hereby proclaim May 2012 as

NATIONAL TEEN PREGNANCY PREVENTION MONTH

In Calhoun County and encourage citizens to recognize the far reaching impact of the high teen birth rate in our community and to support individuals, organizations, schools and policies that help reduce teen pregnancy.

Res. 45-2012

“Moved Comr. Haadsma, supported Comr. Dunn to approve the following: Resolved the Calhoun County Board of Commissioners do hereby proclaim May 2012 as Teen Pregnancy Month.”

On a voice vote, Motion CARRIED.

Ms. Choker of the Teen Pregnancy Prevention Program thanked the Board for the proclamation. She stated they meet the second Thursday of the month and everyone was welcome to join them.

B. Older Americans Month Proclamation

WHEREAS, Region 3B Area Agency on Aging serves Calhoun County citizens aged 60 and older; and

WHEREAS, Region 3B Area Agency on Aging is committed to helping all individuals maintain their health and independence in later life; and

WHEREAS, the older adults in Calhoun County have an important role in sharing knowledge, wisdom, and understanding of the history of our community through interactions with children, youth, and adults from other generations; and

WHEREAS, the fruits of knowledge and experience can be effectively transferred from generation to generation through meaningful social interactions; and

WHEREAS, their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved; and

WHEREAS, our community can provide opportunities to enrich citizens young and old by:

- Emphasizing the value of including elders in public and family life
- Creating opportunities for older Americans to interact with people of different generations
- Providing services, technologies, and support systems that allow older adults to
- participate in social activities in the community

NOW THEREFORE, we of Calhoun County, Michigan, do hereby proclaim May 2012 to be Older Americans Month. We urge every citizens to take time this month to engage with our older citizens through enjoyable social interactions such as sports, games, contests, and other forms of play.

Res. 46-2012

“Moved Comr. Dunn, supported by Comr. VanSickle to approve the following: Resolved the Calhoun County Board of Commissioners do hereby proclaim May 2012 as Older Americans Month.”

On a voice vote, Motion CARRIED.

Karla Fales of Region 3B Area Agency on Aging stated she had joined the “Granny Club” and their motto was to get up, get active, get healthy. She encouraged people to get up, get active and stay involved.

Carl Gibson of Calhoun County Senior Services noted that older adults could teach the younger citizens natural conservation in places like the Ott Biological Preserve.

9. CONSENT AGENDA

A. Petitions, Communications, Reports

1. Trailway Support Letter
2. Notice of Public Hearing from the City of Battle Creek Regarding Behnke Logistics, LLC, an Obsolete Property Rehabilitation Act Tax Exemption Certificate

B. Resolution

1. MERS Resolution to Complete 2010 COAM Memo of Understanding

Res. 47-2012

“Moved Comr. Haadsma, supported by Comr. Dunn to approve the following: Resolved the Calhoun County Board of Commissioners do hereby approve the May 3, 2012 Consent Agenda as presented.”

On a voice vote, Motion CARRIED.

10. SPECIAL COMMITTEE/ WORKSHOP/BOARD REPORTS

Comr. Kale stated the Road Commission Task Force met in open session, received comments from the public and received information binders from staff. He stated the Road Commission Managing Director and his deputy were extremely cooperative in providing information, which the Task Force will review before their next meeting on May 17 at 7:30 am in Board chambers. He stated the Road Commission would be sending more information soon. He stated after the meeting he reviewed the information and discussion with Administration. Kale stated he would like to formally request the Road Commission not enter into or extend any long term obligations until the Task Force has finished its work. He stated he would send this request in the form of a letter to Road Commission Chair Vreeland tomorrow. He noted he was not asking for motion but he would hope he had board support.

11. UNFINISHED AND OLD BUSINESS

There was none.

12. NEW BUSINESS AND COUNTY ADMINISTRATOR'S REPORT

A. County Administrator/Controller's Report

Administrator/Controller Scott stated Enbridge came in and met with Richard Lindsey, Durk Dunham and her to explain their plans to replace all of their Line6B Pipelines in Michigan and Indiana in 2012-13. She stated the first segment had been permitted and would encompass Marshall and the surrounding area this summer. She stated this would generate about \$200,000 in taxes this year and about \$3million over the next ten years for the State at the end as well as create jobs. She stated Enbridge had explained maintenance on the lines would be more disruptive than replacement. Scott explained Enbridge was working with County Emergency Management to make sure things are in place. She stated Enbridge would be talking to residents this summer because there may be some odors but they were shutting down old lines to putting in bigger and they were hoping to have construction done this summer. She stated she would have more information as project got closer and the information would be posted on the County website.

Administrator/Controller Scott stated Historic Bridge Park was almost done and Road Commission staff, Emergency Management, the Health Department and the Environmental Protection Agency are ready to recommend opening the park, even before that segment of the river. She stated they were shooting for date of June 1 for grand reopening with a picnic hosted by Enbridge. She stated Enbridge would be providing security and signage to make sure no one gets in the river before it is reopened. She noted there would be more information forthcoming.

Administrator/Controller Scott explained there was legislation being proposed to amend personal property tax and there were a series of bills in the Senate to eliminate it. She stated personal property tax made up about \$3million of the County budget. She stated it looked like there would be phases starting in 2013 when with all commercial and industrial personal property exempt from tax rolls. She stated at this time there were no plans to replace the lost revenue, which would be hundreds of thousands of dollars for the next 3 years. She stated in 2016 there would be even more exemptions and by 2022 all personal property would be exempt. She stated personal property tax was important for our budget so we need a secure replacement source and in 2016 the State talked about how they would set aside funds but not how the funds would be distributed. She stated the total impact on the County could be as much as a \$2.7 million loss so they would continue to talk to legislators.

Comr. Kale clarified the commercial and industrial exemption starting in 2013 would be for up to \$40,000 in taxable value.

B. New Business

1. Calhoun County Trailway Plan

Res. 48-2012

“Moved Comr. Frisbie, Supported by Comr. Camp Seifke to approve the following: Resolved the Calhoun County Board of Commissioners do hereby approve the first Amendment to the Agreement Regarding Development of Phase 1, Segment 1 of the Calhoun County Trailway (“Amendment”) as presented and authorize the Board Chair to sign the Amendment on behalf of Calhoun County. It is further resolved that the Board Chair is authorized to negotiate and, after review and approval by Corporation Counsel, enter on behalf of Calhoun County and sign any easement agreement(s) which must be obtained from non-governmental property owners and which are a)consistent with the route set forth in Exhibit C of the Amendments and b)do not require payment of more than Ten Thousand (\$10,000) to acquire; and

It is further resolved that the Board Chair is authorized, after review and approval by Corporation Counsel, to sign any other title work, transfer documents, or other agreements or documents which are necessary to effectuate the Amendment.”

Administrator/Controller Scott stated the compromise was in the best interest of everyone. She referenced a letter dated April 30 from the Department of Natural Resources looking for an update on this project. She noted it mentioned in the letter that the grant was the highest scoring request for the year because the proposed trailway was Americans with Disabilities Act (ADA) compliant. She stated the letter also mentioned the sensitive areas in the Ott Preserve would be protected and the agency that was charged with preserving our State’s resources had not received any calls regarding this proposal in the two years it had been discussed.

Corporation Counsel Lindsey stated he hoped this was resolution of the work that had gone on for about two years. He stated there was a tremendous level of dedication and passion on both sides of this. He commended all of the Commissioners for walking proposed trail routes, asking questions and going through the information at length. He stated the agreement reached a year ago was between the Calhoun County Trailway Association (CCTA), the Friends of the Ott, the Parks Department and the County. He stated it was determined the Road Commission would manage the trailway, it would be paid for by grants or funds raised by the CCTA and the County would be held harmless. Lindsey noted there was no cost to the county and the CCTA had raised the money they said they would so there was no reason to think they wouldn't continue to raise funds for maintenance. He stated they had tried to pursue other routes, but they didn't work. He stated he had provided Exhibit C, which was an amended, agreed upon trail route that did not go through the Ott, it went around the edge, at the property line in some places. He stated the trail would create a border around the Ott. He stated he would need to obtain four easements, as noticed in the resolution set forth in the Board packet. He noted there were a couple spots that go over the wetlands, and preliminary discussions with the Department of Environmental Quality were supportive but nothing was in writing yet. He stated he would also need to obtain title work for easements, get them approved then send them to the State for reimbursement. He reminded the Board they would have final approval before construction starts.

Comr. Frisbie commented the trail surface would not be paved, confirming it would be made of limestone fine, a less intrusive issue into the environment. He noted the County didn't have the resources to monitor use in the Ott, it would be governed by Emmett Township but it would be more accessible and there would be more eyes and more people to monitor the preserve. He stated much of the trash that was the Ott was on the edges so this trail would help with the clean-up of that area.

Comr. VanSickle expressed concern that the proposal would allow the trail to be changed if easements or wetland paths were not approved.

Lindsey reminded the Board the Friends of the Ott would be involved in every step of the process.

Comr. Haadsma also expressed concern about approving the agreement without the easements in place and approvals from the DEQ. He noted they had every indication the last people would give us easements but didn't see what was different this time.

Lindsey stated this was the normal process, the people he had spoken with for easements this time are favorable, and approval of the proposed trail is a major step forward.

Comr. Camp Seifke thanked everyone involved and believed they had a better product due to the cooperation. She spoke about the cooperation of the parties involved and that due diligence had been brought to a new level. She noted there was so much misinformation out there and encouraged anyone who still had questions to feel free to get ahold of her or someone else involved.

Comr. Haadsma stated he would be voting against the proposal. He stated though he supported the recreational motives, as a lawyer he was taught to hone in on specific issues. He believed this was too protean and vague and he felt as if the Board was writing a blank check. He noted the trail had changed even since the packet was sent out last week and he had great unease in passing something that he didn't know what it was. He stated he saw great merit in the arguments but this just wasn't specific enough for him.

Lindsey stated if the Board didn't approve the proposal tonight, you stop the project. He reminded the Board they would have the final approval of the construction plan. He stated the Friends of the Ott would be the eyes and ears of the County during construction. He stated there was nothing more they could present at this point.

Scott stated the reason they didn't say this was the definite route was because there may be a slight tweak in the route but until there were final approvals from the State, they couldn't make it definite. She stated there was need for a little bit of pliability but it wasn't intended for a complete overhaul and the Friends of the Ott would be there throughout the process.

On a roll call vote, Yes – 4 (Kale, Dunn, Frisbie, Camp Seifke), No – 2 (Haadsma, VanSickle), Excused – 1 (Todd). Motion CARRIED.

2. Employee Purchase of Generic Service Credit

Administrator/Controller Scott stated the Board authorized the purchase of service credit in 2010, the employee transferred and she changed retirement systems. She stated any time credit was purchased MERS required a resolution by the Board but this wasn't done in 2010. She stated it did require money from the County, about \$9,000, to make other employees within the retirement group whole.

Res. 49-2012

"Moved Comr. Camp Seifke, Supported by Comr. Dunn to approve the following: Resolved, the Calhoun County Board of Commissioners do hereby approve as presented that the Board of Commissioners approve the attached Application for Additional Generic Credited Service with the Municipal Employees' Retirement System of Michigan (MERS) for Mary Huerta and authorize the Board Chairman to sign the Application."

On a roll call vote, Yes – 6, Excused – 1 (Todd). Motion CARRIED.

3. Recommendation for Award RFB #105-12 Fleet Vehicles

Assistant County Administrator Wilcox stated they had six vehicles to replace for the Sheriff's Department per the vehicle replacement plan maintained every year. He stated the Purchasing Department had solicited bids from three local Ford dealerships and were recommending Boshears.

Res. 50-2012

"Moved Comr. VanSickle, supported by Comr. Frisbie to approve the following: Resolved, the Calhoun County Board of Commissioners approves the award of bid RFB#105-12 Fleet Vehicles to Boshears Ford Sales in the amount of One Hundred Twenty Four Thousand Eight Hundred Twenty Five dollars and 00/100 cents (\$124,825.00)."

On a roll call vote, Yes – 6, Excused – 1 (Todd). Motion CARRIED.

4. Michigan Natural Resources Trust Fund – Development Project Agreement

Administrator/Controller Scott stated the Michigan Department of Natural Resources required acceptance of the grant funding of \$500,000 and the Board's official approval of the project agreement.

Res. 51-2012

"Moved Comr. Haadsma, Supported by Comr. Frisbie to approve the following: Resolved, that Calhoun County, Michigan does hereby accept the terms of the Michigan Natural Resources Trust Fund Development Project Agreement, Project Number TF10-031 ("Agreement") as received from the Michigan Department of Natural Resources ("Department"), and that Calhoun County does hereby specifically agree, but not by way of limitation, as follows:

1) Board Chair Art Kale is authorized to sign the Agreement and, after review and approval as to form by Corporation Counsel, any and all associated documents necessary to carry out

the Agreement;

2) Angie Kline, of the Calhoun County Road Commission, is appointed as the project representative for Calhoun County;

3) That Calhoun County agrees to appropriate all funds necessary to complete the project during the project and to provide One Million Two Hundred Sixty-One Thousand Nine Hundred (\$1,261,900.00) dollars to match the grant authorized by the Department;

4) To maintain satisfactory financial accounts, documents, and records and to make them available to the Department for auditing at reasonable times;

5) To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement;

6) To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms; and

7) To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution.”

Comr. Kale reiterated they would approve this proposal but once the final plans were done it would come back again for final approval before construction.

Comr. Hadsma stated he would also be voting against this because it put the cart before the horse. He stated he realized it was subject to further negotiations but he didn't approve blank sheets.

On a roll call vote, Yes – 5, No – 1 (Hadsma), Excused – 1 (Todd). Motion CARRIED.

5. Maintenance Position Allocation

Administrator/Controller Scott stated this request was to modify the position allocation chart as they had staffing controls in place. She stated they needed to change the mix of positions because of leaves of absence and they were down three maintenance staff from what they had two years ago.

Res. 52-2012

“Moved Comr. Haadsma, supported by Comr. Frisbie to approve the following: Resolved the Calhoun County Board of Commissioners do hereby approve the removal of a Maintenance Mechanic II Position from the Authorized Staffing Allocation listing and to add a Maintenance Mechanic III position.”

On a roll call vote, Yes – 6, Excused – 1 (Todd). Motion CARRIED.

13. CITIZEN'S TIME

Jim Coury thanked the Commissioners because it had been a long process and they had taken the time to talk to the public and tour the preserve. He stated he hoped everyone could work together. He recognized County staff for so much work in bringing to the Board what was factual and for the enormous amount of work. He also thanked Tiffany Eichorst and Angie Kline from the Road Commission and Bob Gregerson for his ability to work with the public.

Jerry Keller stated he would like to point out when this was brought up two or three years ago, the first thing the people who lived around it said the trail should go around the edge.

Matthew Hall of Sheridan Township stated it was the National Day of Prayer and told the Board they were prayed for today. He stated on April 27 and 28, 18 young people raised close to \$800 for children in Bolivia. He stated they also raised 300-400 items for the Marshall Area Community Services. He also stated the Task Force meetings were held at inopportune times and asked if there was a time people could give input.

Larry Rizer thanked the Commissioners and stated they had a daunting task ahead of them. He stated it was important to have support when in a public/private partnership.

14. COMMISSIONERS TIME

Comr. Camp Seifke noted there were Boy Scouts who were working on badges attending the meeting.

Comr. VanSickle commended Counsel Lindsey on the work he did on the trailway. He stated this was one of the toughest decisions he had made as a Commissioner. He stated it was not just the Ott Trail or just the Ott Preserve, he had many concerns as a property owner and what things would be like in 10 or 20 years. He stated his farm was purchased in 1835 and the 7th generation was living there now. He stated he operated the family farm from 1960 until he turned it over to his son in 2004. He considered himself an environmentalist.

Comr. Kale stated he wholeheartedly supported staff and they put endless hours and energy into this project. He acknowledged the Friends of the Ott and the Calhoun County Trailway Association, stating both sides expressed concerns but despite differences it never got adversarial and they did a terrific job working through it. He stated he voted yes because he liked the idea of opening the Ott up to more people. He stated a friend of his runs the Jackson County Parks and stated he was concerned about their trail when they opened it but said it was unbelievable how people police themselves. He stated they had put up educational markers along the trail that had become family favorites. He also acknowledged that Tiffany Eichorst and Angie Kline had done a great job.

Comr. Camp Seifke stated she appreciated the relationships built.

15. CLAIMS PAYABLE

A. Claims Payable for April 13-26, 2012 in the Amount of \$1,186,973.39

Res. 53-2012

“Moved Comr. Haadsma, supported by Comr. Dunn to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Claims Payable Listing for April 13-26, 2012 in the amount of \$1,186,973.39.”

On a roll call vote, Yes –6, Excused – 1 (Todd). Motion CARRIED

16. ANNOUNCEMENTS

Comr. Camp Seifke announced there would be a pulled pork dinner fundraiser for the Calhoun County Fairgrounds at the BE Henry Building from 5-8 p.m. on May 4.

Comr. Frisbie announced on May 11 starting at noon there would be a fundraiser golf outing for Silent Observer at Riverside Golf Club.

17. ADJOURNMENT

The meeting was adjourned at 9:25 p.m. at the call of the Chair.

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Chairman
Calhoun County Board of Commissioners

Clerk
Calhoun County Board of Commissioners