

**PROCEEDINGS OF THE
BOARD OF COMMISSIONERS**

February 4, 2016

1. CALL TO ORDER/ROLL CALL

The Regular Session of the Calhoun County Board of Commissioners convened at 7:00 p.m., Thursday, February 4, 2016 in the Commissioners' Meeting Room, County Building, Marshall, MI.

Chair King called the meeting to order and requested the Deputy Clerk call the roll.

Present: Comrs. Dunn, Reynolds, Haadsma, Frisbie, King, and Bearman

Excused: Comr. VanSickle

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

2 and 3. INVOCATION AND PLEDGE OF ALLEGIANCE

A moment of silence was held with Comr. King asking for thoughts for Comr. VanSickle, as he was in the hospital. The moment of silence was followed by Comr. Reynolds leading the Pledge of Allegiance.

4. APPROVAL OF AGENDA

"Moved Comr. Bearman, second by Comr. Dunn to approve the agenda of the February 4, 2016 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 January 21, 2016 Organizational Session

"Moved Comr. Frisbie, second by Comr. Reynolds to approve the minutes of the January 21, 2016 Organizational Session of the Calhoun County Board of Commissioners as presented."

On a voice vote, Motion **CARRIED**.

6. CITIZENS' TIME

John Sims, longtime resident of Calhoun County, announced he is running for Circuit Court Judge.

Johnathon Kittinger, Marengo Township, announced he is running for Water Resources Commissioner. He presented questions about the items on the agenda from the Water Resources Commissioner and asked if he could be allowed to comment during New Business time. Corporation Counsel Lindsey stated they would have to vote to suspend Board rules if they would like to allow comment during any other time than Citizens' time. Comr. King stated they would discuss when they reached New Business time.

Scott Frederick, Trustee for Sheridan Township, asked for reconsideration of the plan to change the recycling center so it's not self serve. He also stated that when 25 1/2 mile was repaired the county was given money for the project. He asked if some consideration could be given to refunding Sheridan Township to use for part of their 70/30 match on another project.

7. ELECTED/APPOINTED COUNTY OFFICIALS' COMMENTS

Prosecutor Dave Gilbert stated the State of Michigan has provided funding to process the untested rape kits from the State Police Lab in Detroit. He stated that over three hundred of those are from old cases in Calhoun County and they will begin testing them in the near future. He explained that law now requires anyone convicted of a felony to have their DNA automatically tested and added to the Combined DNA Index System (CODIS) so matches are found quickly.

Sheriff Matt Saxton stated there have been a large number of heroin overdoses recently and his office was working with the Health Department and the Substance Abuse Council on better tracking measures. He stated they believed there may have been a bad batch of heroin introduced recently that was causing the increase in reported overdoses. He stated that Deputies have been trained in Narcam administration to reverse opiate overdose. Saxton stated the Officer who was involved in the shooting is fine, he did his job well and went home to his wife and kids. He stated the suspect is getting treatment, he was a parole absconder and a suspect in other robberies and is now in custody of the Department of Corrections. Saxton stated they also had two deputies injured in separate accidents earlier in the day. He stated a Deputy was rear ended while stopped on a call and a sergeant was injured by flying rubber from an exploding semi tire. He stated that law enforcement is a dangerous job and he was thankful for all staff that get up and put on their uniform to serve the residents. Saxton also noted that of the three hundred untested rape kits from Calhoun County, only twenty-eight were from the Sheriff's Office and all were more than 6 years old.

Water Resources Commissioner Chris Kosmowski stated planning is underway for the two Kanoe the Kazoo 2 events in May and on August 14. She announced planning was also beginning for the Krazy for the Kazoo cleanup on the first Saturday in October.

8. SPECIAL ORDER OF BUSINESS

There was none.

9. CONSENT AGENDA

A. Petitions, Communications, Reports

1. Huron County Resolutions 16-9C, 16-10C and 16-14 for information

B. Resolutions

There were none.

Res. 16-2016

“Moved Comr. Frisbie, second by Comr. Bearman to approve the Consent Agenda of the February 4, 2016 Regular Session of the Calhoun County Board of Commissioners as presented.”

On a voice vote, Motion **CARRIED**.

10. SPECIAL COMMITTEE/ WORKSHOP/BOARD REPORTS

Comr. Dunn stated she and Administrator/Controller Scott serve on the Summit Pointe Board of Directors and several long time Board members have turned in resignations. She stated they had just started the process of replacing them.

Comr. King stated at the Parks and Recreation Commission meeting they heard a presentation from ITC, the transmission company that brings power into communities, that they are beginning the clearing around power lines, moving from the Ott Preserve area south across Michigan Avenue to the Kimball Pines area. He announced that they donated \$10,000 to the Parks and Recreation Commission to use for the replanting of trees and plants.

11. UNFINISHED AND OLD BUSINESS

There were none.

12. NEW BUSINESS AND COUNTY ADMINISTRATOR’S REPORT

A. County Administrator/Controller’s Report

Administrator/Controller Kelli Scott announced that she received notice from our insurance carrier, Michigan Municipal Risk Management Association (MMRMA) that Calhoun County will receive a net asset distribution of about \$348,000 for our share of excess net assets. She explained that we have pooled insurance with other local governments and excess net assets are distributed to members proportionate to several factors such as member responsiveness, loss reduction and solid investment income. She stated that our insurance premium includes the Road Department and is over \$700,000 per year but we get a distribution each year and this one paid almost half the premium.

Scott stated we have been trying to work with Enbridge on a solution to repair the more than thirty-five roads damaged during Line 6B Pipe Replacement. She stated they just met for a last effort to reconcile in which we recommended the county Road Department do the repair work and Enbridge pay one lump sum payment. She stated an agreement was not reached and Corporation Counsel Lindsey will follow up on this. She stated we don't want to pursue legal action but it is likely now because we will not compromise in asking for a full reimbursement.

Scott stated the county's Health Board is planning to have a joint presentation on February 22 with the City of Battle Creek and other communities regarding roles and responsibilities for oversight and regulation of water quality. She stated this was important even though water testing has come back fine. She stated the Battle Creek Chamber has invited the county to present the information at their March 8 Eye Opener Breakfast for discussion with representatives from the local communities about water quality.

B. New Business

Chair King asked for a motion to suspend Board Rules to allow for public comment during New Business against Corporation Counsel's recommendation. None were offered.

1. Pledge of Full Faith and Credit Regarding the Barnum Lake Drain Drainage District Bonds

Administrator/Controller Kelli Scott stated this pledge was not a risk the county should be afraid to take. She stated the county pledged full faith and credit so the Water Resources Office could get a lower interest rate for financing. She explained that without it they would have to pass a higher assessment on to the taxpayers, including landowners, the county and the townships.

Water Resources Commissioner Chris Kosmowski stated her office received a petition for the Barnum Lake Drain before she came into office, in July 2014 a Board of Determination was held and it was determined the project was necessary. She stated they had gone through the competitive bid process and held a day of review so now they just needed to obtain funding to do the work.

Comr. Frisbie stated that even if the Board voted this down, the project will still go on, they will just be charged higher interest rates that will be passed on to the taxpayers.

Corporation Counsel Lindsey stated that once a petition has been presented, the county has liability to move forward.

Res. 17-2016

"Motion by Comr. Haadsma, second by Comr. Reynolds to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby approve the resolution pledging full faith and credit of the County for the prompt payment of principal and interest on the Barnum Lake Drain Drainage District Bonds, Series 2016(General Obligation Limited Tax) as presented."

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

2. Resolution for Petition for Maintenance and Improvement of a Drain – Gang of Lakes Intercounty Drain

Administrator/Controller Kelli Scott stated the county would be a logical petitioner because the flooding in this area is likely to have been caused by culverts maintained by the Road Department. She stated that she, Corporation Counsel Lindsey and Road Department Managing Director Christopher Bolt were invited to a meeting of the Intercounty Gang of Lakes where support was shown for the concept of the county being the petitioner to allow for a study to see if the project should go forward.

Water Resources Commissioner Chris Kosmowski stated the Intercounty Drain Board consists of Water Resources representatives from Jackson and Calhoun Counties along with a Department of Agriculture Representative and all work done in the Gang of Lakes area has to have that board's approval. She stated she received complaints about flooding on Prairie Lake because of storm issues so she hired GEI Consultants to investigate. She stated their finding was that the culverts were undersized and acting as a dam during high rain events. She stated they were working with the Road Department on this issue because even if residents paid for tree removal around the culverts it won't solve the problems. She stated that without a petition they can't move forward to address the issues.

Comr. Bearman asked if she had talked to the surrounding Township Supervisors.

Water Resources Commissioner Kosmowski stated they are not at that point yet, they were just commissioning a study because they need extra data before determining what needs to be done.

Comr. King stated this will get the ball rolling but the scope of work has not been determined. He stated a large percentage of the work will be the Road Department's culverts but nothing is determined yet.

Res. 18-2016

"Moved Comr. Haadsma, second by Comr. Dunn to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby approve the Resolution for Petition for Maintenance and Improvement of a Drain – Gang of Lakes Intercounty Drain as presented.

WHEREAS, the Calhoun County Board of Commissioners requests the maintenance and improvement of an intercounty drain, located in Marengo, Sheridan, Clarence and Lee Townships, Calhoun County, and the Village of Springport and Springport and Parma Townships, Jackson County, pursuant to Chapter 8 of Public Act 40 of 1956, as amended; and

WHEREAS, Section 327 of the Drain Code authorizes a board of county road commissioners to file with the Drain Commissioner a petition for maintenance and improvement of an intercounty drain if necessary for the construction or maintenance of any highway to take the surplus water across adjacent lands; and

WHEREAS, the County Board of Commissioners did, by Resolution adopted on September 20, 2012, pursuant to Public Acts 14 and 15 of 2012 transfer, effective November 1, 2102, the powers, duties, and functions that are otherwise provided by law for an appointed board of county road commissioners to the County Board of Commissioners; and

WHEREAS, the County Board of Commissioners has determined that the maintenance and improvement of the intercounty drain is necessary for the construction or maintenance of H Drive North, L Drive North and 26 ½ Mile Road to take surplus water across adjacent lands, and is also necessary and conducive to the public health, convenience or welfare.

NOW, THEREFORE BE IT RESOLVED THAT, the County Board of Commissioners does authorize the filing of a petition for maintenance and improvement the intercounty drain.

BE IT FURTHER RESOLVED THAT the Chairman is authorized to execute the petition for maintenance and improvement of the intercounty drain.

BE IT FURTHER RESOLVED that the Clerk shall forward to the Calhoun County Water Resources Commissioner a copy of this Resolution for the petition for maintenance and improvement of the intercounty drain.”

On a roll call vote, Yes – 5, No – 1 (Bearman), Excused – 1 (VanSickle). Motion **CARRIED**.

3. Resolution Designating the Water Resources Commissioner as the County MS4 Stormwater Permit Coordinator and Approval of the Intra-Governmental Cooperative

Administrator/Controller Scott stated that after review, the Water Resources Office is the best place to carry out the duties under the stormwater permit. She explained that this designation and cooperative just apportions the cost to the county proper and the Road Department. She stated it was not a change in policy, just a change in apportioning.

Water Resources Commissioner Chris Kosmowski explained that because the Road Commission dissolved and became the Road Department, it became prudent to have one permit coordinator for the county. She stated that many things need to be done to meet the permit requirements and everyone will be responsible for their own areas but the county , the Road Department and Water Resources will work in cooperation to provide education.

Corporation Counsel Lindsey stated this reallocation was necessary so there is one point person for the county and he applauded the Water Resource Commissioner for taking on the coordinating role.

Res. 19-2016

“Moved Comr. Haadsma, second by Comr. Reynolds to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby Resolution Designating the Water Resources Commissioner as the County MS4 Stormwater Permit Coordinator and Approval of the Intra-Governmental Cooperative as presented.

WHEREAS, the CCWRC is the elected Calhoun County Water Resources Commissioner with jurisdiction over all drains legally established under the Drain Code of 1956, 1956 P.A. 40, as amended, MCL 280.1 et seq., and located within Calhoun County; and,

WHEREAS, the County is responsible for the operation and maintenance of a certain public facilities and county roads with separate storm water drainage systems; and,

WHEREAS, the County is responsible for the overall operation and maintenance of the Justice Center and Toeller Building which are public facilities of the County with separate storm water drainage systems; and,

WHEREAS, the CCWRC and the County are subject to the requirements of the Federal Water Pollution Control Act, 33 USC 1251, et seq., as amended (“Clean Water Act”), and Michigan Natural Resources and Environmental Protection Act (“NREPA”), 1994 P.A. 451, Parts 31 and 41, as amended, regulating the discharges from municipal separate storm water drainage systems (“MS4”) located within an urbanized area; and,

WHEREAS, pursuant to the Clean Water Act, and Parts 31 and 41 of the NREPA, a National Pollutant Discharge Elimination Permit System (“NPDES”) permit is required for discharges from an MS4 located within an urbanized area (“MS4 program”); and,

WHEREAS, in compliance with MS4 program, the CCWRC has applied for the reissuance and coverage under the State of Michigan’s NPDES permit for the Discharge of Storm Water to Surface Waters of the State from a Municipal Separate Storm Sewer System (“MS4 Permit”); and,

WHEREAS, the MS4 Permit requires applicants to develop and implement plans to satisfy at least six minimum control measures:

- Public education and outreach program informing citizens about the impacts of polluted storm water runoff.
- Provide opportunities for citizens to participate in developing and implementing program associated with storm water management.
- Developing and implementing plans to detect and eliminate illicit discharges into municipal separate storm water systems.
- Developing and enforcing construction storm water runoff programs.
- Developing and enforcing programs to control post-construction runoff.
- Developing and implementing programs for pollution prevention and good housekeeping measures to prevent pollutant runoff from municipal operations.

WHEREAS, public facilities have the potential to impact storm water from the operation and maintenance of their facilities, and potential sources include lawn and grounds maintenance, vehicle maintenance and storage, refuse and waste handling, storage and disposal of chemicals, materials and salt; and,

WHEREAS, collaboration and coordination will allow the County to reduce costs by acting cooperatively to implement best management practices (“BMPs”); and,

WHEREAS, the purpose of Intra-Governmental Agreement is to outline the responsibilities of CCWRC and the County, and the cost sharing for the storm water management activities necessary to enable the CCWRC and the County to comply with the MS4 Permit; and,

WHEREAS, the CCWRC and County agree to cooperate and actively participate in the storm water management activities necessary to enable the CCWRC and the County to comply with the MS4 Permit; and,

WHEREAS, in order to ensure MS4 Permit coverage, it is necessary that the CCWRC and the County enter into an Intra-Governmental Agreement.

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners hereby appoints and designates the CCWRC as the County’s MS4 Coordinator and is authorized to apply on behalf of the County, and to develop and implement plans to for the CCWRC and County’s coverage under the NPDES Permit for Stormwater Discharges.

BE IT FURTHER RESOLVED, that the Board of Commissioners hereby approves the Intra-Governmental Agreement for Coverage under the NPDES Permit for Stormwater Discharges and directs the same to be executed by the Chairperson of the County Board of Commissioners.”

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

4. ImageSoft Project Change Requests

Administrator/Controller Scott stated this was a request for the approval of a change order to a Board approved contract and that the document imaging system is one of this year’s largest capital improvement projects. She stated we have met with all departments and have learned that some things need to be changed to the \$1 million project that will increase it about \$20,000. She noted we are also asking for the Administrator/Controller to have approval authority for future changes up to \$20,000.

Res. 20-2016

“Moved Comr. Haadsma, second by Comr. Reynolds to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby approve the Project Change Requests (PCR) for the ImageSoft Content Management System as presented and does hereby authorize the County Administrator/Controller to sign future PCR's in amounts less than \$20,000.”

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

5. LOGOS Software Support Maintenance Agreement

Administrator/Controller Scott stated this request was a similar concept as the previous. She stated the request was to approve the renewal of the LOGOS maintenance agreement. She stated the purchase of the LOGOS system with a five year maintenance agreement was approved by the Board in 2011 and that agreement is now due for renewal. She stated Administration was recommending a one year renewal and a reduction of modules that were not being used. She stated this also included the request that the Administrator/Controller can sign amendments if the increase is not more than 5% of the renewal. She acknowledged Assistant Administrator Wilcox's close management of the contract and his hard work on keeping costs low.

Res. 21-2016

“Moved Comr. Bearman, second by Comr. Reynolds to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby approve the one year LOGOS Standard Software Maintenance Agreement and the associated Addendum with Tyler Technologies, Inc. and authorizes the County Administrator/Controller to sign future LOGOS SSMA's provided that the increase from the previous agreement does not exceed five percent (5%) of the total. ”

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

13. CITIZEN'S TIME

Johnathon Kittinger, Marengo Township, voiced concerns about the Water Resources Commissioner's process of apportionment to taxpayers for drain projects.

Jerry, Emmett Township, commented on how government spending has changed over the years.

Sheridan Township Supervisor Scott Frederick stated that he owns more property than any one on Prairie Lake and he would like more information on the proposed drain project.

14. COMMISSIONERS TIME

Comr. Bearman thanked Marshall High School for the STEM program presentation during his visit to the high school with the Workforce Development Board. He explained that six industries were working with the high school to provide training in the technical skills the students will need in the local job market. He stated everyone needs to look at what they are doing as a model to get our youth involved in different industries.

15. CLAIMS PAYABLE

- A. Calhoun County Claims Payable for January 16 – 29, 2016 in the amount of \$1,799,586.08 and Road Department Payables for January 22,2016 in the amount of \$2,147,386.72

Res. 22-2016

“Moved Comr. Haadsma, second by Comr. Reynolds to approve the following: Resolved the Calhoun County Board of Commissioners does hereby approve the Calhoun County Claims Payable for January 16 – 29, 2016 in the amount of \$1,799,586.08 and Road Department Payables for January 22,2016 in the amount of \$2,147,386.72 as presented.”

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

16. ANNOUNCEMENTS

Comr. Reynolds wished Comr. Haadsma a happy belated birthday.

Comr. King stated he would be keeping Comr. VanSickle in his prayers as he recovers from an illness.

17. CLOSED SESSION TO DISCUSS MATERIAL EXEMPT FROM DISCLOSURE BY STATE OR FEDERAL STATUTE AND TO DISCUSS LABOR RELATIONS

Res. 23-2016

“Moved Comr. Bearman, second by Comr. Frisbie to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby

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

The Board retired to closed session at 8:42 p.m.

The Board returned to open session at 10:00 p.m.

18. APPROVAL OF THE COAM COLLECTIVE BARGAINING AGREEMENT

Res. 24-2016

“Moved Comr. Haadsma, second by Comr. Bearman to approve the following:
Resolved the Calhoun County Board of Commissioners does hereby ”

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

19. ADJOURNMENT

The meeting was adjourned at 10:02 p.m. at the call of the Chair.

cam

Chairman

Clerk