

MINUTES

KALAMAZOO COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

JULY 7, 2009

ITEM 1 Call to Order: The regular meeting of the Board of Commissioners was called to order by Board Chairperson Dave Buskirk, at 7:00 p.m. in the Board of Commissioner's Room, second floor, County Administration Building, 201 West Kalamazoo Avenue, Kalamazoo, Michigan, on July 7, 2009.

ITEM 2 Invocation: Commissioner Nasim Ansari gave the Invocation.

ITEM 3 Pledge of Allegiance: Commissioner Ansari led the Pledge of Allegiance.

ITEM 4 Roll Call: Commissioners Carolyn Alford, Nasim Ansari, Jeff Balkema, Rob Barnard, Deb Buchholtz, Dave Buskirk, Jeff Heppler, Brian Johnson, Dave Maturen, Ann Nieuwenhuis, John Nieuwenhuis, Michael Quinn, John Taylor, Frank Thompson, and Jack Urban.

Members Absent: Commissioners Grady Biby and John Zull.

Administrators Present: Peter Battani, County Administrator; John Faul, Deputy County Administrator; Thom Canny, Corporation Counsel; Tracie Moored, Finance Director; Linda Buzas, HCS Director; Dave Rachowicz, Parks Director; Pat Crowley, Drain Commissioner; David Artley, Resource Development; Jo Woods, HR Director; Anne Conn, HR Deputy Director; Mary Balkema, County Treasurer; Tim Snow, County Clerk; and Sheri Stiger, Administrative Assistant.

ITEM 5 Approval of Minutes:

Commissioner Brian Johnson moved and it was duly seconded that the Minutes of the June 16, 2009, Board Meeting be approved as distributed. He also requested a change be made to the Committee of the Whole Minutes for June 2, 2009.

ITEM 6 Communications:

Commissioner Ansari presented the following communications, all of which are on file in the Administrative Services Office unless otherwise noted:

- a) An email from Nancy Anderson to Commissioner Urban concerning the retirement health benefit change.
- b) An email from Art Hilgart to Commissioner Urban concerning the need for a larger jail

- c) A resolution from Huron County urging the Michigan Legislature to not make any further reductions to State revenue sharing payments to counties.
- d) A resolution from Huron County urging the State Legislature to support HB 5019.
- e) A resolution from Huron County urging the State Legislature to oppose HB 4028, 4747 and 4097.
- f) A resolution from Oscoda County in support for third option to fill vacation Road Commission seats.
- g) A resolution from Oscoda County in support of adequate state funding to hold counties harmless from the Department of Human Services Lawsuit Settlement Agreement.
- h) A resolution from Oscoda County opposing Senate Joint Resolution H.
- i) A resolution from Oscoda County proclaiming July 12-18 as Road Rage Awareness Week.
- j) A copy of an Off Road Vehicle Ordinance passed by Oscoda County.

ITEM 7      Citizens' Time:

Chairperson Buskirk stated that Citizens' Time was when any citizen could address the Board on a non-agenda item. He said anyone wishing to address the Board on a non-agenda item should come to the podium, give their name and address, and limit their remarks to four minutes. He said if anyone would like to speak about an item that was on the consent agenda, they could ask that it be removed from the consent agenda at this time or he would provide an opportunity just prior to that section of the agenda.

Ms. Margo Rinehart, 257 Portchester Road, a Kalamazoo County Retiree, spoke in opposition to the change in retiree benefits.

Ms. Mary Skinner, 404 Windsor Lane, a Kalamazoo County Retiree, spoke in opposition to the change in retiree benefits.

Mr. Mike Evans, Kalamazoo, with Michigan People's Action, announced the Nehemiah Assembly meeting at 7:00 p.m. Thursday July 9<sup>th</sup> at the Fairgrounds to discuss issues concerning low income persons in Kalamazoo County.

Mr. Jonathan Braun, homeless, representing MPA, echoed the invitation to the Nehemiah Assembly and encouraged the Board to fund a study of jail inmates to divert homeless persons from ending up in jail.

Mr. Christopher Adams, representing MPA, encouraged the Board to fund a survey of jail inmates.

Mr. Bob Pangle, 11 N. First Street, a Kalamazoo County Retiree, spoke in opposition to the change in retiree benefits.

Mr. Max Conrad, 440 N. Church Street, representing MPA, spoke in support of a jail survey and Housing First.

Mr. Chris Perry, homeless, representing MPA, spoke in support of a jail survey and Housing First.

Dr. Carol Hogan, Kalamazoo, invited the Board to Finance Fest, a free event at the Fairgrounds on August 1<sup>st</sup>, to better inform the public about how to make the best use of their finances.

ITEM 8      For Consideration

### **CONSENT AGENDA**

#### Circuit Court

A.      Request for Approval to Submit a Grant Application for Family Dependency Treatment Court Program Funding

That the appropriate County officials be authorized and directed to submit a Grant Application to the Office of Juvenile Justice & Delinquency Prevention Program for funding of the Family Dependency Treatment Court Program in the amount of \$304,803.16 with a match of \$76,200.79 being covered by State Court Administrative Office; a copy of said Application to be attached to the official Minutes of this meeting.

#### District Court

B.      Request for Approval of an Agreement with Community Mental Health and Acceptance of PA 2 Funds for Sobriety Court Program Funding

That the appropriate County officials be authorized and directed to execute an Agreement with Community Mental Health and Acceptance of PA 2 funds for Sobriety Court Program funding in the amount of \$20,000 for FY 2008-2009; a copy of said Agreement to be attached to the official Minutes of this meeting.

#### Health and Community Services

C.      Request for Approval of a Health Fair Agreement with State Farm Mutual Automobile Insurance Company

That the appropriate County officials be authorized and directed to execute a Health Fair Agreement with State Farm Mutual Automobile Insurance Company for participation in a county-wide health fair on July 21, 2009; a copy of said Agreement to be attached to the official Minutes of this meeting.

D.      Request for Approval to Accept a Grant Award from the Michigan Office of Services to the Aging to the Region IIIA Area Agency on Aging

That the appropriate County officials be authorized and directed to accept a Grant Award from the Michigan Office of Services to the Aging to the Region IIIA Area Agency on Aging resulting in a \$31,076 reduction for FY October 1, 2008 to September 30, 2009; a copy of said Grant Award to be attached to the official Minutes of this meeting.

E. Request for Approval of Two (2) Healthy Babies/Healthy Start Partner Agreements

That the appropriate County officials be authorized and directed to execute a Healthy Babies/Healthy Start Partner Agreement for the provision of pre-natal and perinatal services for the period of June 1, 2009 through May 31, 2010 ; a copy of said Agreement to be attached to the official Minutes of this meeting.

F. Request for Approval of the Michigan Department of Human Services Low Income Home Energy Assistance Program Agreement for 2009-2010

That the appropriate County officials be authorized and directed to execute the Michigan Department of Human Services Low Income Home Energy Assistance Program Agreement for 2009-2010 in the amount of \$66,300 ; a copy of said Agreement to be attached to the official Minutes of this meeting.

G. Request for Approval of Ikon Product Lease Agreement through Team Financial Group

That the appropriate County officials be authorized and directed to execute an Ikon Product Lease Agreement through Team Financial Group in the amount of \$462 monthly for equipment and \$.06 per copy for the period of July 8, 2009 through July 8, 2013; a copy of said Agreement to be attached to the official Minutes of this meeting.

H. Request for Approval of a 90-Day Extension for Weatherization Subcontractor Agreements

That the appropriate County officials be authorized and directed to execute a 90-day extension for Weatherization Subcontractor Agreements through September 30, 2009; a copy of said Agreements to be attached to the official Minutes of this meeting.

I. Request for Approval of Position Creation in the Healthy Babies Healthy Start Program (grant funded)

That the Board of Commissioners approve the Creation of the following Position:

Create:

<u>Account #</u>	<u>Position/#</u>	<u>Grade</u>	<u>FTE</u>	<u>Pay Range</u>	<u>Effective</u>
297-093	Community Educator #10816	P282	0.6	\$35,172-\$45,739	7/1/09

Planning and Community Development

J. Request for Approval of a Grant Agreement with the State of Michigan and Remonumentation Agreements with Various Agencies

That the appropriate County officials be authorized and directed to execute a Grant Agreement with the State of Michigan and Remonumentation Agreements with various agencies with work being done by December 31, 2009; a copy of said Agreements to be attached to the official Minutes of this meeting.

K. Request for Approval of Agreements for Licensed Pictometry Products with Prein & Newhof Inc. and KATS

This Item was removed from the Agenda.

Sheriff

L. Request for Approval of an Interlocal Agreement with the City of Kalamazoo for Byrne JAG Formula Money from the ARRA Recovery Funds

That the appropriate County officials be authorized and directed to execute an Interlocal Agreement with the City of Kalamazoo for Byrne JAG formula money from the ARRA recovery funds; a copy of said Agreement to be attached to the official Minutes of this meeting.

M. Request for Approval of the Appointment of Mark Barnes and Lt. Paul Baker to the 5<sup>th</sup> District Homeland Security Regional Planning Board

That the Board of Commissioners appoint Mark Barnes and Lt. Paul Baker to the 5<sup>th</sup> District Homeland Security Regional Planning Board.

N. Request for the Adoption of the 2009 Kalamazoo County Emergency Action Guidelines Plan

That the Board of Commissioners Adopt the 2009 Kalamazoo County Emergency Action Guidelines Plan; a copy of said Plan to be on file in Administration.

O. Request for Approval of the 2009 Emergency Management Performance Grant Agreement

That the appropriate County officials be authorized and directed to execute the 2009 Emergency Management Performance Grant Agreement in the amount of \$45,509 for the period of October 1, 2008 through September 30, 2009 ; a copy of said Agreement to be attached to the official Minutes of this meeting.

Board of Commissioners

P. Request for Approval of Transfers and Disbursements

That the Transfers and Disbursements as defined and set forth in the document entitled, "Recommended Transfers and Disbursements, dated July 7, 2009," noting claims in the total amount of \$6,554,988.88 with the exception of Balkema Excavating claim in the amount of \$110.00, with the exception of Kalamazoo Electric, Inc. claim in the amount of \$265.56 as provided to each Board member, be approved; that the County Clerk be authorized to certify to the County Treasurer that the Board has approved on this date the disbursements in the list dated July 7, 2009, and the County Treasurer is therefore, authorized to make those disbursements, and the Director of Finance be authorized to make budgetary transfers, as listed.

Q. Request for Approval of 9-1-1 Fire Dispatch Agreements with Charter Township of Cooper; Richland Township; and the Galesburg-Charleston Fire Department

That the appropriate County officials be authorized and directed to execute 9-1-1 Fire Dispatch Agreements with Charter Township of Cooper; Richland Township; and the Galesburg-Charleston Fire Department ending December 31, 2009; a copy of said Agreements to be attached to the official Minutes of this meeting.

R. Request for the Appointment of Joseph Michinock to the Animal Services & Enforcement Advisory Board

That the Board of Commissioners Appoint Joseph Michinock to the Animal Services and

Enforcement Advisory Board with a term expiring January 1, 2010.

Commissioner Ansari moved and it was duly seconded that Items A. through R., with the exception of Item K. be voted on at one time by a roll call vote and be considered as a consent agenda by the Board.

The roll call vote was as follows:

Ayes: All members present  
Nays: None  
Abstains: None  
Absent: Commissioners Biby and Zull.

The motion carried.

### NON-CONSENT AGENDA ITEMS

#### S. Request for Approval of Disclosure Statement by Commissioner Balkema for a Contract with Best Way Disposal for the disposal services for Animal Services and Enforcement

Commissioner Balkema made the following Disclosure Statement:

As my business enterprise, Best Way Disposal, wishes to enter into a contract renewal with the County of Kalamazoo regarding disposal services for its Animal Services & Enforcement Department, I am required to declare a conflict of interest. I would, therefore, like to make the following disclosure pursuant to 1968 PA 317, as amended.

1. The parties to this contract are Best Way Disposal and the County of Kalamazoo and I will have direct involvement in its implementation.
2. The purpose of the contract is to provide disposal services for the County's Animal Services & Enforcement Department.
3. The term of this contract is one year.
4. The financial consideration of this contract is approximately \$15,000 and may be of indirect benefit to me.
5. No County employees will be assigned to this contract.

I request that this disclosure be made a part of the official minutes of the Kalamazoo County Board of Commissioners' meeting of July 7, 2009. Please keep in mind that it will take a 2/3 vote of the full Board to approve this plan.

There being no discussion, the motion carried by a voice vote with one abstention.

T. Request for Approval of a Renewal Contract with Best Way Disposal  
Commissioner Barnard moved and it was duly seconded that the appropriate County officials be authorized and directed to execute a renewal Contract with Best Way Disposal in the approximate amount of \$15,000 for the purpose of animal disposal services; a copy of said Agreement to be attached to the official Minutes of this meeting.

There being no discussion, the motion carried by a voice vote, with one abstention.

U. Request for Approval of Resolution Approving the Intergovernmental Agreement Establishing the Kalamazoo Land Bank Authority

Commissioner Heppler moved and it was duly seconded that the Board of Commissioners approve the following Resolution:

WHEREAS, the Michigan Land Bank Fast Track Authority (“Authority”) was created as a public body corporate and politic with the Michigan Department of Energy, Labor and Economic Growth, a principal department of the executive branch of the state government, under the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774, and is authorized to enter into an intergovernmental agreement with a county foreclosing governmental unit providing for the creation of a county authority to exercise the powers, duties, functions, and responsibilities of an authority under that act; and,

WHEREAS, the Treasurer of the County of Kalamazoo, Michigan is a foreclosing governmental unit under the Land Bank Fast Track Act, 2003 PA 258, MCL 124.751 to 124.774, and Section 78 of The General Property Tax Act, 1893 PA 206, MCL 211.78; and,

WHEREAS, the Authority and the Treasurer and the Board of Commissioners of the County of Kalamazoo, Michigan seek to establish a county authority for Kalamazoo County, as a separate legal entity and as a public body to exercise within Kalamazoo County, Michigan, the powers, duties, functions and responsibilities of an authority under the Land Bank Fast Track Act, 2003 PA 258, MCL 124.774.

NOW, THEREFORE, BE IT RESOLVED that the Kalamazoo County Board of Commissioners approves the proposed Intergovernmental Agreement attached hereto as Exhibit 1 between the Michigan Land Bank Fast Track Authority and the Treasurer of the County of Kalamazoo, Michigan creating the Kalamazoo County Land Bank Authority subject if necessary, to technical, typographical, or non-substantial modifications approved by the executive Director of, or legal counsel for, the Michigan Land Bank Fast Track Authority before the effective date of the Intergovernmental Agreement.

Mr. Jonathan Braun, homeless MPA, stated that the MPA supports this resolution.

Ms. Tahirah Ziegler, 119 N. Church Street, representing LISC, stated her support of the Land Bank proposal.

Ms. Mary Balkema, Kalamazoo County Treasurer, thanked the Board and Administration for their support of the Land Bank proposal.

Mr. Christopher Adams, representing MPA, spoke in favor of the Land Bank proposal.

Mr. Chris Perry, representing MPA, spoke in favor of the Land Bank proposal.

Discussion ensued.

The roll call vote was as follows:

Ayes: All members present  
Nays: None  
Abstains: None  
Absent: Commissioners Biby and Zull.

The motion carried.

V. Request for Approval of Balkema Excavating Inc. Claim

Commissioner Johnson moved and it was duly seconded that the Board of Commissioners approve payment of claims from Balkema Excavating in the total amount of \$110.00 for work provided to Kalamazoo County, and authorize the County Treasurer to make said payments.

Commissioner Balkema made the following Disclosure Statement:

On the Claims List for July 7, 2009 are claims from my business enterprise, Balkema Excavating, Inc. Since I have a conflict of interest as an owner/employee of Balkema Excavating, Inc., I would like to make the following disclosure pursuant to 1968 P.A. 317, as amended:

The parties to this agreement/payment are the County of Kalamazoo and Balkema Excavating, Inc.

The purpose of the agreement is for Balkema Excavating, Inc. to provide certain services as noted below:

Stabilized Gravel for Cold Brook

The amount of the payment to Balkema Excavating, Inc. totals:

\$110.00

(Invoice is listed on Page 53 of the Claims List for July 7, 2009.)

I will receive an indirect financial benefit from this project.

No County employees were assigned to this project.

I would request that this disclosure be made a part of the official minutes of the Board meeting of July 7, 2009. Please keep in mind that it will take a two-thirds' vote of the full Board to approve this payment.

There being no discussion, the motion carried by a voice vote.

W. Request for Approval of Kalamazoo Electric Inc. Claim

Commissioner Maturen moved and it was duly seconded that the Board of Commissioners approve payment of claims from Kalamazoo Electric in the total amount of \$265.56 for work provided to Kalamazoo County, and authorize the County Treasurer to make said payments.

Commissioner Buskirk made the following Disclosure Statement:

On the Claims List for July 7, 2009 is a claim from my employer, Kalamazoo Electric, Inc., a local electrical contractor. Since I have a conflict of interest as an employee of Kalamazoo Electric, Inc., I would like to make the following disclosure pursuant to 1968 P.A. 317, as amended:

The parties to this agreement/payment are the County of Kalamazoo and Kalamazoo Electric, Inc.

The purpose of the agreement is for Kalamazoo Electric, Inc. to provide certain electrical services described as follows:

Install Flood Lights

The amount of the payment to Kalamazoo Electric, Inc. totals:

\$265.56

(Invoice is listed on Page 31 of the Claims List for July 7, 2009.)

I will not receive a direct financial benefit from this project.

The term of the agreement is until project completion.

No County employees were assigned to this project.

I would request that this disclosure be made a part of the official minutes of the Board meeting of July 7, 2009. Please keep in mind that it will take a two-thirds' vote of the full Board to approve this payment.

There being no discussion, the motion carried by a voice vote, with one abstention.

ITEM 9 Old Business

There was no old business.

ITEM 10 New Business

X. Request for Approval of Pending Litigation

Commissioner Ann Nieuwenhuis moved and it was duly seconded that the Board of Commissioners authorize County Attorney to implement his recommendation in regards to pending litigation entitled: Canfield against Kalamazoo County.

There being no discussion, the motion carried by a voice vote.

Commissioner Johnson asked for time on the next Agenda to present a Resolution to MDOT asking them to keep and maintain the traffic light on the corners of West Main and Fletcher Streets.

Commissioner Thompson asked Administration to look into the possibility that 2307 East Main, the former Olive Tree Restaurant, be made into a substation for the Kalamazoo Township police.

ITEM 11     County Administrator's Report

County Administrator Battani thanked the County employees, Senior Staff, Corporate Counsel and Elected Officials for all the work they do.

ITEM 12     Chairperson's Report

Chairperson Buskirk stated he had spoken at the Airport ground-breaking ceremonies and that funding was in place for this project. He said he had been in Houghton Lake recently and noted many foreclosure notices. He thanked County Treasurer Mary Balkema for her many hours of work on the Land Bank project.

ITEM 13     Vice Chairperson's Report

Vice Chairperson Buchholtz had no further comments.

ITEM 14     Members' Time

Commissioner Johnson stated further concerns about the safety of the street corner at West Main and Fletcher Streets.

Commissioner Maturen thanked the Register of Deeds for moneys given to fund the pictometry project.

Commissioner Ann Nieuwenhuis thanked the Michigan Association of Counties for the new electronic newsletter and their fiscal responsibility. She noted an article with information for persons who own horses and are struggling to support them and urged Commissioners to provide this information to constituents. She referred to a June meeting expressing concerns about the dog laws and said she was working with MAC, Animal Services and other agencies on this issue.

Commissioner Thompson urged Commissioners to participate in the effort to make streets safe in Kalamazoo County.

Commissioner Urban thanked the Senior Staff for their efforts. He noted Linda Buzas of HCS for her work regarding the Dental Clinic; Dave Rachowicz, for his work on the County Parks Plan; Jo Woods and changes made in the HR Department; Tracie Moored, the Finance Director and her efforts to alert the Board about the budget shortfall; Dave Artley and John Faul. He noted the great leadership at the Airport, Convention & Visitors Bureau, and Linda Teeter of the Transit Authority.

Commissioner Alford concurred with Commissioner Urban's comments. She expressed her sympathy to the family of entertainer Michael Jackson.

ITEM 15     Adjournment

There being no further business to come before the Board, Chairperson Buskirk adjourned the meeting at 8:23 p.m.

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Timothy A. Snow  
Clerk/Register of Deeds

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Dave Buskirk  
Chairman, Kalamazoo County Board of  
Commissioners