

## MINUTES

### KALAMAZOO COUNTY BOARD OF COMMISSIONERS COMMITTEE OF THE WHOLE

June 2, 2009

PLACE: Room 207A, County Administration Building

TIME: 3:03 p.m. – 6:33 p.m.

MEMBERS PRESENT: Commissioners Deb Buchholtz, Dave Buskirk, Brian Johnson, Dave Maturen, Ann Nieuwenhuis John Taylor, Jack Urban, John Zull

MEMBERS ABSENT: Commissioner Carolyn Alford, Nasim Ansari, Jeff Balkema, Robert Barnard, Grady Biby, Jeff Heppler, John Nieuwenhuis, Mike Quinn, Frank Thompson

OTHERS PRESENT: Peter Battani, John Faul, Thom Canny, Michelle Tombro Tracy, Dina Sutton, Tina Becker, Tracie Moored, Lisa Bradshaw, Dave Artley. Lotta Jarnefelt, Sheriff Rick Fuller, Undersheriff Paul Matyas, Mary Balkema, Lisa Thompson, Steve Yanni, Dave Rachowicz, Deputy Sheriff Tom Shull, Deputy Sheriff Jim Delabar, Deputy Sheriff Pete Hanold, Linda Buzas, Dave McCaffery, Jo Woods, Anne Zemlick

Chairperson Buskirk convened the Committee of the Whole at 3:03 p.m.

#### 1. Arena Feasibility Study

Mr. Ken Miller, Representative of the Suite Idea Group gave a brief overview on the Arena Feasibility Study. He stated this would call for the County to build an \$81 million multipurpose arena on the west end of downtown Arcadia Creek property that would include sports, entertainment, commercial, and residential uses as well as educational. He stated the purpose of this presentation was to publicly introduce the project, to begin public discussion, and to outline the next steps.

Commissioner Ansari arrived at 3:07 p.m.

Commissioner Heppler arrived at 3:12 p.m.

Mr. Blaine Lam, Lam& Associates stated the Suite Idea group would be asking the Board of Commissioners to make a formal decision on or before August 25 to place a ballot question before the voters of the county for the November 2009 election. He stated that ballot question would ask voters for authority to issue bonds for construction of the arena and to help repay those bonds by levying a 1% surcharge on bar, restaurant, hotel accommodation and rental car bills.

Administrator Peter Battani reviewed his memo. He stated he would like this to be put on November ballot and in order to do that, a formal resolution needed to be approved by August 25. He stated the feasibility study concluded that an arena project is feasible, and would have a very significant and positive economic impact on the entire county. He stated in order for the Board to support a plan and proposal to put before voters, three things must be demonstrated 1) The arena must be a financially self-sustaining project; 2) There must be as little risk as possible to the general fund of the county; and 3) There must be countywide economic benefit from the project. He stated his preliminary impression is that the arena project can meet these three benchmarks. He also stated it would be the task of the workgroup to ensure these benchmarks were met before proceeding to place the question before the voters.

Commissioner Quinn arrived at 3:25 p.m.

Commissioner Johnson stated this was exciting. He stated this would add major traffic to the downtown area. He stated something like this would add major revenue for area restaurants with people coming in for concerts, sports events, etc. He stated he was glad to see a different type of tax would be put before the voters other than property taxes. He stated he was glad to see this proposal would be put before the voters and the perception of this project needed to be right. Commissioner Johnson had concerns about reward vs. risks.

Administrator Battani stated it had been his hope that there would be no risk to the general fund but that is just not possible. He stated if the County issued revenue bonds there would be some level of risk. He stated Corporate Counsel and a legal team could help structure agreements such that it limits the County's risks to as little as possible. He stated the County would have to evaluate that risk against the benefit. He stated this was one of the issues that would have to be vetted out through the workgroup. He stated the workgroup would include Chair Buskirk, Vice Chair Buchholtz, Kalamazoo City Manager Ken Collard, Portage City Manager Maurice Evans and others, including individuals from the community who would bring needed specialized skills and expertise.

Commissioner Zull had concerns about sustainability; he stated he would like to see key players to make a firm commitment to play so they could guarantee the arena would be self-sustaining. He stated if they're not on board then he didn't want to go on board.

Discussion ensued.

Commissioner Taylor stated the most under-utilized economic development pieces we have in this County is Western Michigan University. He stated trying to get students downtown had been a goal for this city and county for a long time. He stated not giving this an opportunity would be a mistake.

Commissioner Urban stated he was intrigued by this prospect. He said with some vetting amongst the bankers and the leaders of the community we could come to some comfortable conclusions. However, he had concerns regarding how the community would feel about being taxed.

Discussion ensued.

Commissioner Alford arrived at 3:52 p.m.

Several Commissioners supported the arena saying it would bring more people downtown, especially Western Michigan University students, and this would boost the economy throughout the county.

## 2. Review of Transfers and Disbursements State Budget

Finance Director Tracie Moored stated that claims for June 2, 2009 totaled \$3,512,278.83. Ms. Moored reviewed the transfers and disbursements on page 2.

## 3. Jail Expansion

Sheriff Rick Fuller reviewed his memo. He requested approval to issue an RFQ to architectural firms to develop a phased in approach to a 200 bed expansion of the jail. He proposed a 20 year, 3-phased approach in solving the jail problem. He stated the first phase would be the need to look at the existing facility and to use the existing spaces within the jail that could potentially be renovated to give additional bed capacity. He stated the second phase would be designed to address one of the main weaknesses of the jail; the Receiving Area. He stated this phase would be designed to utilize as much space as possible for special needs for medical and health care cells. The third phase would add additional capacity with the addition of pod(s). He stated the county had set aside \$9.6 million to pay for future improvements to the jail. He stated the county currently spends up to \$900,000 annually to send inmates to be housed in jails in other counties. He stated this money could be used to operate an expanded jail if those inmates remained in Kalamazoo.

Administrator Battani offered his support and recommendation for the jail expansion. He stated by approving the RFQ there would not be a commitment to spend money at this time. He stated he felt the County needed a concept design ready to go and it would be advisable to do this.

Commissioner Johnson stated he appreciated the fresh approach. He stated he supported the recommendation.

Discussion ensued.

Many Commissioners supported this request.

#### 4. Area Agency on Aging Implementation Plan

Ms. Judy Sivak, Director of AAA reviewed her Presentation Notes in the packet. She presented the recommendation and justification from the Older Adult Services Advisory Council making the recommendation. She briefly reviewed why the older adult advisory council had approved the plan.

Dr. Robert Littke, President and CEO of Senior Services disputed the recommendation proposed by the Older Adult Services Advisory Council which realigned case coordination and support to AAA rather than Senior Services.

Commissioner Ann Nieuwenhuis stated as a representative and member of the commission she did not believe there was any question about the value of the agency and all that they do within the community. She had concerns about the public hearings, and that senior services had chosen to send a staff member that articulated the information and concerns that Dr. Littke shared. She stated that senior services as well as others, was welcome to attend the Wednesday, June 10 Older Adult Advisory Council Committee meeting.

Mr. John Hilliard, Chairperson of Older Adult Advisory Council stated the Advisory Council approved the plan as presented by Ms. Sivak.

Discussion ensued.

#### 5. Livestock Claim

Corporate Counsel Thom Canny requested approval from the Board to pay a claim to Mr. Robert Cagney for damages of his livestock killed by domestic dog(s) on two different occasions within the same year. He stated Corporate Counsel's Office recommended that the County compensate Mr. Robert Cagney for the loss of 64 lambs/sheep for the total amount of \$7,360.20. He stated pursuant to the dog law of 1919 that was adopted by the County, the County is liable to compensate owners of livestock if livestock was killed by domestic dog(s) and the owner can't be located which had happened in this case.

Commissioner John Nieuwenhuis had concerns there were no veterinarian reports to indicate if these animals were in good shape, etc. He stated if this happened once, okay, but twice then farmer's needed to take some responsibility for their animals.

Commissioner Ann Nieuwenhuis stated Mr. Cagney was an agricultural producer within our community and he came to the County Board because that's the law. She had concerns about the dog owners. She stated as we continue within this community people keep saying that they want more locally grown food and want to make sure agriculture can survive, and for that to happen, one, the County Board needed to make sure they did that. Second, she stated this was a claim that stated only information on the loss. She stated Mr. Cagney was not asked to give any background information as to what he had or hadn't done from August to December to protect his animals and it should not be assumed he did or didn't do anything. She stated agriculture is in a tough bind to try and be able to make ends meet. She stated this was the law and if we didn't like it, then the law would need to be changed. She had concerns about this getting out to the agricultural community to think that the County Board may not want to pay something. She stated the County Board was obligated to do this, this was the law, and until it was to change, this was what the agricultural community expected from the County Board.

Discussion ensued.

Many Commissioners supported this request merely for the fact it is a product of a bad law from 1919 and the County is financially obligated to pay it, but don't feel it was right.

Commissioner Quinn stated Counsel and Animal Services had done due diligence on this. He stated the law is clear on what is required. He also apologized to the farmer who is actually the victim about his lack of due diligence because it was only speculation and stated he supported Mr. Cagney's reimbursement.

#### 6. Michigan Association of Counties Summer Conference

Chair Buskirk asked by show of hands who would be interested in attending the MAC Summer Conference.

Commissioner Ansari stated he would like to attend.

Administrator Battani stated there was \$4,500 in the Travel Expense Budget and this conference would cost \$600 per person to attend.

7. Executive Session

Commissioner Taylor moved and it was duly seconded that the Board of Commissioners functioning as a Committee of the Whole, go into closed session pursuant to Section 8 (c) of the Open Meetings Act for the purpose of discussing issues related to the County's labor negotiations.

The roll call vote was as follows:

Ayes: All members present  
Nays: None  
Abstains: None  
Absent: Commissioners Jeff Balkema, Rob Barnard, Grady Biby, and Frank Thompson

The motion carried and the Board moved into executive session at 5:45 p.m. and returned to regular session at 6:33 p.m.

8. Adjournment

There being no further business to come before the Board, Chair Buskirk adjourned the meeting at 6:33 p.m.

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David Buskirk, Chair  
Kalamazoo County Board of Commissioners