

MINUTES

KALAMAZOO COUNTY BOARD OF COMMISSIONERS

REGULAR MEETING

DECEMBER 1, 2015

ITEM 1 Call to Order: The Regular Meeting of the Board of Commissioners was called to order by Chairperson Taylor, at 7:00 pm in the Board of Commissioner's Room, second floor, County Administration Building, 201 West Kalamazoo Avenue, Kalamazoo, Michigan, on December 1, 2015.

ITEM 2 Invocation: Commissioner John Gisler.

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

ITEM 4 Roll Call: Commissioners John Gisler, Jeff Heppler, Scott McGraw, Stephanie Moore, Larry Provancher, Julie Rogers, Michael Seals, Dale Shugars, John Taylor, Roger Tuinier and Kevin Wordelman.

Members Absent: None.

Administrators Present: John Faul, Interim County Administrator; Thom Canny, Corporate Counsel; Mary Balkema, Treasurer; Lynne Norman, HCD Deputy Director; Vern Johnson, Environmental Health Director; David Rachowicz, Parks Director; Timothy A. Snow, County Clerk; Dina Sutton, Office Manager.

ITEM 5 Approval of Minutes:

Commissioner Seals moved and it was duly seconded that the Minutes of the November 17, 2015, Board meeting be approved as distributed.

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

ITEM 6 Communications:

Commissioner Gisler presented the following communications which are on file in the Administrative Services Office unless otherwise noted:

- a) A Resolution from Bay County supporting SB 438.
- b) A Resolution from Bay County opposing sky lanterns in Michigan and calls upon Michigan legislature to adopt legislation banning the use of sky lanterns in Michigan.

- c) A Resolution from Bay County calling upon elected officials in the U.S. Senate and U.S. House of Representatives to oppose Trans-Pacific Partnership (TPP) trading.
- d) A Letter from Representative Aric Nesbitt announcing a set of Bills that will increase Kalamazoo County's transportation funding through FY 2021.

Commissioner Gisler stated he received communications from Kelly Doyle concerning Amy Hunter. He also received a letter from Jerry Stirton concerning the KL GRUZ.

Commissioner Moore arrived 7:04 p.m.

Commissioner Rogers stated she also received a letter from Jerry Stirton as well as from Mike Hazard, Mike Trexler on the KL GRUZ.

ITEM 7 Citizens' Time

Chairperson Taylor 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.

Mr. Frank Warren, Kalamazoo, provided the Board with an update on the Drug Court. He also stated the new Veterans Memorial at the Riverside Cemetery was beautiful and was well done.

ITEM 8 For Consideration

A. Request for Approval to Establish a Groundwater Restricted Use Zone (GRUZ) for KL Avenue

Commissioner Wordelman moved and it was duly seconded that the Board of Commissioners approve the October 31, 2014 "Application for a Groundwater Restricted Zone Pursuant to Kalamazoo County Sanitary Code Article III" as submitted by the KL Avenue Landfill Group and as amended by the United States Environmental Protection Agency and Michigan Department of Environmental Quality during their 2015 review of the Application and proposed ordinance language, and as further amended and supplemented by the KL Avenue Group's November 17, 2015 presentation to the Kalamazoo County Board of Commissioners, including, but not limited to, the KL Avenue Group's agreement to assist property owners within the Zone to collect and present information to the Michigan Department of Environmental Quality in support of requests for waivers to retain certain groundwater wells for non-potable purposes, and to provide the County with an annual report on water quality issues experienced by property owners within the Zone.

Mr. Thom Canny, Corporate Counsel provided a history and an update on the KL Avenue GRUZ.

The following individuals addressed the Board concerning KL Avenue GRUZ:

- Mr. Rob Engels
- Mr. Jerry Stirton
- Mr. Nick Pollich
- Ms. Grace Engels

Mr. Canny stated Mr. DeWitt would be able to answer any questions.

Commissioner McGraw stated he would like to hear from Counsel concerning the parts per billion and the different violates.

Mr. DeWitt stated the KL Avenue Group performs various tests. He stated the testing varied depending on what the testing showed. He stated he sent Mr. Engels a letter concerning his issues with drinking, bathing, brushing teeth, etc. He stated the State of Michigan has set the number 1 in 100,000; it does vary State by State.

Commissioner McGraw inquired about notification of residents. Mr. DeWitt stated before technicians were sent to a home, a letter was sent to the homeowners prior to doing any testing. He stated it was the homeowner's responsibility to disclose any contamination to a future buyer of the property. He stated at this time the path was unknown and was not sure how notification would be beneficial.

Commissioner Wordelman stated he wanted to clarify that the water was contaminated and the homeowners had a right to be upset; unfortunately, those people responsible were not here and the State and Federal Government had allowed pollution to occur and it was left to the local level of government to deal with it. He stated he trusted staff and felt there had been adequate vetting on this subject. He stated a Federal Judge ordered the County and the KL Avenue Group to do this and that was why it had to be done.

Commissioner Rogers stated she too appreciated comments from Citizens. She echoed Commissioner Wordelman's comments. She stated she had appreciated the suggestions from the homeowners. She stated good due diligence was done in the beginning and would continue. She stated she was sworn to uphold Michigan's law, while it may not be perfect, it was what she needed to abide by. She urged the homeowners to contact their State Representative. She also stated homeowners had a right to file for a waiver.

Commissioner Gisler inquired about the waiver and if the homeowner would still be allowed to use the water for drinking, etc.

Mr. Canny stated the waiver would be for non-portable water wells, i.e. non-drinking, non-contact water. He stated the motion would not allow people to use their wells for drinking.

Commissioner Shugars inquired if the citizen's who spoke received the information. He inquired what would happen if the Board did not approve this. Mr. DeWitt stated the KL Avenue Group would have to go to each property owner and require a Restricted Covenant and would be recorded on the property Deed.

Ms. Sarah Stride, Kalamazoo, addressed the Board concerning the liability of not only the buyers but of the sellers as well.

Mr. Steve Stride, Kalamazoo, stated he moved into the property 5 years ago and he had done research before purchasing the property and was aware of the KL Avenue Landfill. He stated he was concerned with the treatment, natural dilution and from what he understood this was not working.

Commissioner Seals stated he appreciated all the comments; however, the County had to abide by the standards set by EPA and MDEQ. He stated it was the responsibility of the County to follow the laws and to protect the citizens.

Commissioner Moore wanted to know if this was the only option the County had. Mr. DeWitt stated this was the best option the KL Avenue Group had. It was the best solution for homeowners and those responsible. He stated the plume was widespread and the GRUZ was necessary at this point in time.

Mr. Canny stated it was a very frustrating process. Mr. Canny stated the Board only had one impact in the whole clean up. He stated reassessing the remedy was the responsibility of EPA and the Federal Government. He stated if the Board did not approve this, the KL Avenue Group would have to do a Restricted Covenant for each property.

Commissioner Moore wanted to know who paid to hook up to City water and Mr. DeWitt stated the KL Avenue Group paid for the initial hookup and it was up to the homeowner for the monthly expense.

Commissioner Provancher wanted to know if the Board needed to make a decision tonight.

Mr. DeWitt stated the EPA was pushing the KL Avenue Group to get this done and would affect the five year report and process.

Commissioner Shugars wanted to know if the cities and townships had mandatory water hook up and Mr. DeWitt stated yes that was true. He encouraged the Group to look at other options.

Commissioner McGraw moved to not support the natural attenuation treatment as a long term solution. Mr. Canny stated he would not recommend the Board connect the two.

Commissioner Seals urged the homeowners to continue their fight and needed to attend the KL Avenue Group meetings.

Commissioner Moore stated she realized that a lot more work needed to be done.

Vice Chairperson Heppler stated there were different ordinances for each entity of government.

Commissioner Wordelman stated this site was a superfund site and was under the control of the

EPA and they were in charge of the mediation. He also stated the aquifer, mother nature will eventually clean the aquifer and the more the aquifer was disturbed it did affect how long it took to clean it.

Chairman Taylor stated it was the responsibility of the Board to protect the citizens. He stated he understood the homeowners were upset about paying for water and maybe the KL Avenue Group could work with them.

The roll call vote was as follows:

Ayes: All members present, except
 Nays: Commissioner Gisler
 Abstains: None
 Absent: None

The motion carried.

Commissioner Moore stated the vote did not support this as a long term solution.

CONSENT AGENDA

Circuit Court

B. Request for Approval to Submit Grant Application to State Justice Institute

That the appropriate County officials be authorized and directed to submit a Grant Application to the State Justice Institute to assist the Court's leadership to critically evaluate the current structure and operations, and develop and implement a plan to better use and coordinate scarce resources, enhance services, streamline process, implement technological advances and ensure financial stability in the amount of \$47,800 with a Local Match of \$25,830 for a total of \$75,630 for the period of January 4, 2016 through December 31, 2016; a copy of said Grant Application to be attached to the official Minutes of this meeting.

C. Request for Approval to Submit Grant Application to Justice for Veterans

That the appropriate County officials be authorized and directed to submit a Grant Application to Justice for Veterans for the Veterans Treatment Court Planning Initiative for the period of January 4, 2016 through December 31, 2016; a copy of said Grant Application to be attached to the official Minutes of this meeting.

D. Request for Approval of Creation of Position (Grant Funds)

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

CREATE

<u>Position #</u>	<u>Job Title</u>	<u>Grade</u>	<u>Salary Range</u>	<u>FTE</u>	<u>Account Number</u>
TBD	Treatment and Recovery Court Case Manager	k06	33,196.80-44,803.20	1.0	249-152

E. Request for Approval of an Agreement with Southwest Michigan Behavioral Health

That the appropriate County officials be authorized and directed to execute an Agreement with Southwest Michigan Behavioral Health to provide PA2 funds to be used for substance abuse testing for the Adult Men and Women's Drug Treatment Court Program in the amount of \$60,000 for the period of October 1, 2015 through September 30, 2016; a copy of said Agreement to be attached to the official Minutes of this meeting.

Community Corrections

F. Request for Approval of Elimination/Creation of Positions (house keeping)

That the Board of Commissioners approve the Elimination/Creation of the following Positions:

Eliminate:

10714-003 Programming Coordinator K6 1.0FTE 331-154-704.00
\$32,468.80 - \$43,825.60

Create:

10714-003 Programming Coordinator K6 1.0FTE 331-156-704.00
\$32,468.80 - \$43,825.60

District Court

G. Request for Approval of a Contract with Transworld Systems, Inc.

This Item was removed from the Agenda.

Health & Community Services

H. Request for Approval of Business Associate Agreement with Joint Venture Hospital Laboratories

That the appropriate County officials be authorized and directed to execute a Business Associate Agreement with Joint Venture Hospital Laboratories for the provision of laboratory services effective September 1, 2015; a copy of said Agreement to be attached to the official Minutes of this meeting.

I. Request for Approval of a Contract with Valley City Electronic Recycling

That the appropriate County officials be authorized and directed to execute a Contract with Valley City Electronic Recycling for the transportation and recycling of electronic waste collected by the Household Hazardous Waste Center in the estimated annual amount of \$25,000 for the period of January 1, 2016 through December 31, 2016; a copy of said Contract to be attached to the official Minutes of this meeting.

J. Request for Approval of an Agreement with Southwest Michigan Behavioral Health

That the appropriate County officials be authorized and directed to execute an Agreement with Southwest Michigan Behavioral Health for the Healthy Babies Healthy Start Project in the amount of \$73,700 and for the HIV/Communicable Disease Services in the amount of \$10,800 for the period of October 1, 2015 through September 31, 2016; a copy of said Agreement to be attached to the official Minutes of this meeting.

Human ResourcesK. Request for Approval of Amendment to Personnel Policy Section 4.03 (A) (1) and (B) (2)

This item was removed from the Agenda.

L. Request for Approval of Administrative Agreement with Reliance Standard Life Insurance Company

That the appropriate County officials be authorized and directed to execute an Administrative Agreement with Reliance Standard Life Insurance Company to allow an enrollment period for life insurance changes for KalFlex employees for the period of October 2, 2015 through November 20, 2015; a copy of said Agreement to be attached to the official Minutes of this meeting.

Parks & ExpoM. Request for Approval to Submit Grant Application to the Michigan Department of Agriculture

That the appropriate County officials be authorized and directed to submit a Grant Application to the Michigan Department of Agriculture in the amount of \$20,000 to assist with replacing Barn #16 at the Kalamazoo County Expo Center and Fairground; a copy of said Grant Application to be attached to the official Minutes of this meeting.

Planning & Community DevelopmentN. Request for Approval to Submit a Grant Application to the US-EPA for Brownfield Assessments

That the appropriate County officials be authorized and directed to submit a Grant Application to the US-EPA to assess the environmental conditions and potential brownfield sites in the amount of \$400,000; a copy of said Grant Application to be attached to the official Minutes of this meeting.

O. Request for Approval of Agreements with Multiple Municipalities and Units of Government for Licensed Pictometry Services

That the appropriate County officials be authorized and directed to execute Agreements with multiple municipalities and units of government for licensed Pictometry services originally approved on June 2, 2015; a copy of said Agreements to be attached to the official Minutes of this meeting.

The fees for the units are:

Comstock Twp	\$ 8,100
Cooper Twp*	\$ 3,150
Kalamazoo Twp*	\$ 3,375
Oshtemo Twp*	\$ 11,025
Pavilion*	\$ 8,100
Schoolcraft Twp	\$ 8,100
Texas Twp	\$ 8,100
Vicksburg Vill*	\$ 1,800
City of Kalamazoo	\$ 3,825
City of Parchment	\$ 900
City of Portage*	\$10,800
<u>Gull Lake Sewer & Water</u>	<u>\$ 8,775</u>

TOTAL \$76,050

P. Request for Approval of an Addendum to the Contract with Pictometry International, Corp.
That the appropriate County officials be authorized and directed to execute an Addendum to the Contract with Pictometry International, Corp. for Countywide aerial flight/Pictometry Project in the amount of \$158,708.25 over three years; a copy of said Contract Addendum to be attached to the official Minutes of this meeting.

Purchasing

Q. Request for Approval of 2016 Contract Extension with Paris Cleaners
That the appropriate County officials be authorized and directed to execute 2016 Contract Extension with Paris Cleaners for dry cleaning and laundry services, uniforms for the requirements of the Sheriff's office and Animal Services & Enforcement in the estimated weekly amount of \$3,054.75 for the period of January 1, 2016 through December 31, 2016; a copy of said Contract Extension to be attached to the official Minutes of this meeting.

Treasurer

R. Request for Approval of Distribution of Funds to the Kalamazoo County Land Bank's 501c(3) Vibrant Kalamazoo from the Delinquent Tax Revolving Fund
That the Board of Commissioners authorize the Distribution of Funds to the Kalamazoo County Land Bank's 501c(3) Vibrant Kalamazoo from the Delinquent Tax Revolving Fund in the amount of \$20,000.

S. Request for Approval of Agreements with Alamo Township, Climax Township, and Pavilion Township for the Transfer of Cemetery Preservation Funds and Approval of Distribution of Cemetery Preservation Funds to the Townships of Cooper and Oshtemo
That the appropriate County officials be authorized and directed to execute Agreements with Alamo Township, Climax Township, and Pavilion Township for the Transfer of Cemetery Preservation Funds and Approval of Distribution of Cemetery Preservation Funds to the Townships of Cooper and Oshtemo in the amount of \$4,653.22; a copy of said Agreements to be attached to the official Minutes of this meeting.

Board of Commissioners

T. Request for Approval of Transfers and Disbursements
That the Board of Commissioners approve Transfers and Disbursements as defined and set forth in the document entitled, "Recommended Transfers and Disbursements, dated December 1, 2015", noting claims in the total amount of 1,493,502.80 be approved and 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 December 1, 2015, and the Director of Finance be authorized to make budgetary transfers, as listed.

U. Request for Approval to Accept Amended Apportionment Report
That the Board of Commissioners accept the Amended Apportionment Report as distributed; a copy of said Report to be attached to the official Minutes of this meeting.

V. Request for the Adoption to Amend Resolution to Apportion Ad Valorem Taxes

That the Board of Commissioners approve the following Resolution:

WHEREAS, on October 20, 2015, the Kalamazoo County Board of Commissioners adopted a Resolution to Apportion Ad Valorem Taxes for 2015; and

WHEREAS, it is necessary to amend said Resolution to correct the millage rates and estimated levies to the County.

NOW, THEREFORE, BE IT RESOLVED that the Kalamazoo County Board of Commissioners does hereby amend the 2015 Resolution to Apportion Ad Valorem Taxes as follows:

Add Extra Voted – Kalamazoo County Local Housing Assistance Fund – 0.1000 mills approved by voters November 3, 2015, and make all necessary changes to the Report’s millage rate sheet and Summary pages.

Commissioner Gisler moved and it was duly seconded that Items B. through V. with the exception of Items G. and 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:	None

The motion carried.

NON-CONSENT AGENDA ITEMS

The following Items are Non-Consent Agenda Items and will be voted on individually.

ITEM 9 Old Business

There was no old business.

ITEM 10 New Business

W. Request for Approval of Bargaining Agreement with the Kalamazoo County 9th Judicial Circuit Court and UAW, Local No. 2290

Commissioner Rogers moved and it was duly seconded that the Board of Commissioners approve a bargaining Agreement as secured by the County's bargaining team between the County of Kalamazoo and the UAW, Local No. 2290, and that the County Board Chair and the County Clerk-Register be authorized and directed to sign the aforementioned Agreement, for the period of January 1, 2015 through December 31, 2017; 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.

ITEM 11 County Administrator's Report

There was no County Administrator's Report.

ITEM 12 Chairperson's Report

There was no Chairperson's Report.

ITEM 13 Vice Chairperson's Report

Vice Chairman Heppler expressed his condolences to Commissioner Moore on her loss.

ITEM 14 Members' Time

Commissioner Moore thanked everyone who helped the Viking football team to the playoffs. She thanked Sheriff Fuller for being so compassionate and the way the Sheriff's Office handled the situation. She thanked the Board for their condolences.

Commissioner Provancher stated KCMSAS Director, Jeff Patton received 4.9 out of 5 on his evaluation. He stated the Public Housing Commission continued to meet. He stated last Tuesday was National Adoption Day and stated he observed one adoption at the Family Court.

Commissioner Rogers thanked the Board for approving the application for the Brownfield Assessments. She wanted to thank Mattie Jordie Woods and Treasurer Balkema for their work on the Vibrant Kalamazoo project. She invited everyone to the Underwear Party on Monday at Borgess.

Commissioner Seals thanked everyone for supporting the Veterans Affairs grant. He expressed his condolences to Commissioner Moore and her family.

Commissioner Shugars stated the Road Commission was going to put in a traffic light at 10th Street and Q Avenue. He stated the Annual Meeting for Discover Kalamazoo was being held tomorrow.

ITEM 15 Adjournment

Chm Initial _____

Clk Initial _____

29797

There being no further business to come before the Board, Chairperson Taylor adjourned the meeting at 8:48 p.m.

Timothy A. Snow
Clerk/Register of Deeds

John Taylor, Chairperson
Kalamazoo County Board of
Commissioners