

## MINUTES

### KALAMAZOO COUNTY BOARD OF COMMISSIONERS

#### REGULAR MEETING

NOVEMBER 5, 2013

ITEM 1      Call to Order: The Regular Meeting of the Board of Commissioners was called to order by Chairperson Maturen, at 7:00 pm in the Board of Commissioner's Room, second floor, County Administration Building, 201 West Kalamazoo Avenue, Kalamazoo, Michigan, on November 5, 2013.

ITEM 2      Invocation: Commissioner Brandt Iden.

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

ITEM 4      Roll Call: Commissioners Carolyn Alford, Dave Buskirk, Jeff Heppler, Brandt Iden, David Maturen, Julie Rogers, Michael Seals, Phil Stinchcomb, John Taylor, Roger Tuinier and John Zull.

Members Absent: None.

Administrators Present: Peter Battani, Administrator; John Faul, Deputy County Administrator; Tracie Moored, Finance Director; Thom Canny, Corporate Counsel; Mary Balkema, Treasurer; Rick Fuller, Sheriff; Linda Vail, HCS Director; Pat Crowley, Drain Commissioner; Jeff Getting, Prosecuting Attorney; David Rachowicz, Park Director; Dane Turner, HR Director; Deb Cardiff, Environmental Health Director; Dina Sutton, Office Manager.

ITEM 5      Approval of Minutes:

Commissioner Alford moved and it was duly seconded that the Minutes of the October 15, 2013, Board meeting be approved as distributed.

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

ITEM 6      Communications:

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

- a) A Notice of Public Hearing from Charter Township of Oshtemo on the Issuance of an Industrial Facilities Tax Exemption Certificate for Charles Warner of Software Services Group, Inc.

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- b) A Notice of Public Hearing from City of Kalamazoo on the Issuance of an Industrial Facilities Tax Exemption Certificate for Dimplex Thermal Solutions, Inc.
- c) A phone call from Bryan Bolhuis concerning the inconsistent removal of brick mailboxes in his neighborhood.

Chairman Maturen stated he received a thank you card from Mike Sinclair thanking the Board for honoring him with a Resolution.

#### ITEM 7      Citizens' Time

Chairperson Maturen 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 reminded the Board to attend a Veterans Day event.

Ms. Cynthia Owens-White, Kalamazoo, addressed the Board concerning a property in the City of Kalamazoo located on 711 N. Church, for being foreclosed upon by Kalamazoo County Treasurer's office.

#### GG.    Request for Approval of Access Agreement with Enbridge

Commissioner Seals moved and it was duly seconded that the Board of Commissioners approve an Amendment to the February 19, 2013 River Oaks Park Access Agreement between the County and the Enbridge Company to permit the Enbridge Company to conduct environmental remediation activities at River Oaks Park under the terms and conditions set forth during the Board's Committee of the Whole meeting on November 5, 2013. Further, the Chairperson and Clerk shall not sign the Amendment until it meets with the review and approval of the County Administrator and Corporate Counsel.

Commissioner Rogers stated she would begrudgingly support this agreement, but was upset that Enbridge brought this to the Board in such a rush. She stated she was concerned with contamination.

Commissioner Zull thanked Enbridge for their quick response in taking responsibility.

Commissioner Taylor stated he would support this agreement.

Commissioner Tuinier stated he felt comfortable with the motion and would be supporting this agreement.

Chairman Maturen stated he felt this was a win-win solution.

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

ITEM 8      For Consideration

A.      Public Hearing on Groundwater Restricted Zone – Parker Hannifin

Commissioner Rogers moved and it was duly seconded that the Board of Commissioners move into a Public Hearing on Groundwater Restricted Zone for Parker Hannifin.

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

Mr. Canny stated Geosyntec had previously presented information to the Board concerning this request and discussions had occurred. He stated this was a continuation of the Public Hearing and the last opportunity for discussions to occur on this request.

Commissioner Stinchcomb moved and it was duly seconded that the Board of Commissioners move out of a Public Hearing on Groundwater Restricted Zone for Parker Hannifin.

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

Ms. Chris Petropoulo, Geosyntec, presented a Power Point presentation concerning the site, the cleanup efforts, and the request for a Groundwater Restricted Zone.

Commissioner Rogers thanked Ms. Petropoulo for her presentation and supported this request.

**CONSENT AGENDA**

B.      Request for Approval of 25 Year Resolution Honoring Michael Ballard

That the Board of Commissioners approve the following Resolution:

WHEREAS, Michael L. Ballard has served the citizens of Kalamazoo County for twenty-five (25) years as of October 31, 2013; and

WHEREAS, Michael L. Ballard has faithfully served as an Equipment Operator II; and

WHEREAS, the County of Kalamazoo wishes to acknowledge and honor employees who have longevity under the umbrella of County Government, since it is through longevity that expertise in the employee's particular field is achieved.

NOW, THEREFORE, BE IT RESOLVED that the Kalamazoo County Board of Commissioners does hereby acknowledge with gratitude the many years of dedication and service Michael L. Ballard has imparted to the citizens of the County and offers its best wishes for many more years of mutual association.

C.      Request for Approval of 25 Year Resolution Honoring Laurie Kirch

That the Board of Commissioners approve the following Resolution:

WHEREAS, Laurie J. Kirch has faithfully served as a Cook; and

WHEREAS, the County of Kalamazoo wishes to acknowledge and honor employees who have longevity under the umbrella of County Government, since it is through longevity that expertise in the employee's particular field is achieved.

NOW, THEREFORE, BE IT RESOLVED that the Kalamazoo County Board of Commissioners does hereby acknowledge with gratitude the many years of dedication and service Laurie J. Kirch has imparted to the citizens of the County and offers its best wishes for many more years of mutual association.

#### Circuit Court

##### D. Request for Approval of Elimination/Creation of Positions (General Fund)

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

<u>Acct#</u>	<u>Position #</u>	<u>Job Title</u>	<u>Grade</u>	<u>FTE</u>	<u>Pay Range</u>
Eliminate:					
101-132-704.00	10243-001	Automation & Technology Manager	k09	1.0	\$21.17-\$28.58
Create:					
101-132-704.00	10245	Automation & Technology Administrator	k10	1.0	\$23.22-\$31.34

##### E. Request for Approval to Accept Grant Funds from the H.P. and Genevieve Connable Fund

That the appropriate County officials be authorized and directed to accept \$2,000 in grant funds from the H.P. and Genevieve Connable Fund for the Youthful Offender Transitions Program.

##### F. Request for Approval of an Agreement with Midstate Security Company

That the appropriate County officials be authorized and directed to execute an Agreement with Midstate Security Company to provide Level A support for the Juvenile Home Security System in the amount of \$52,000 effective November 5, 2013 for one year; a copy of said Agreement to be attached to the official Minutes of this meeting.

#### District Court

##### G. Request for Approval of Grant Agreement with Michigan Mental Health Court Grant Program (MMHCGP) for the Mental Health Recovery Court

That the appropriate County officials be authorized and directed to execute a Grant Agreement with MMHCGP to provide \$96,406 for the Mental Health Recovery Court for the period of October 1, 2013 through September 30, 2014; a copy of said Agreement to be attached to the official Minutes of this meeting.

##### H. Request for Approval of a Grant Agreement with Michigan Drug Court Grant Program (MDCGP) for the Sobriety Court Program

That the appropriate County officials be authorized and directed to execute a Grant Agreement with MDCGP to provide \$55,000 to the Sobriety Court Program for the period of October 1, 2013

through September 30, 2014; a copy of said Agreement to be attached to the official Minutes of this meeting.

#### Drain Commissioner

##### I. Request for Approval to Submit a Grant Application to Michigan Department of Environmental Quality (MDEQ) for a Project in the Lexington Green Drainage District

That the appropriate County officials be authorized and directed to submit a grant application to the MDEQ in the amount of \$120,000 with a \$30,000 match in drain assessments for a project in the Lexington Green Drainage District.

#### Health & Community Services

##### J. Request for Approval of Multiple Purchase of Service and Business Associate Agreements with Various Providers of Service

That the appropriate County officials be authorized and directed to execute multiple Purchase of Service and Business Associate Agreements with various providers of service for the Area Agency on Aging Program:

<u>Organization</u>	<u>Services</u>
A+ Nursing, Inc	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management.
Absolute Homecare	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management.
ADL Home Care, Inc.	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management.
Advantage Private Nursing	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management
Arcadia Health Service	Homemaking, Personal Care, In-Home Respite, Medication Management
Care N Assist Homemaking,	Transportation, Personal Care, In-Home Respite, Medication Management.
Comfort Keepers #687	Homemaking, Transportation, Personal Care, In-Home Respite
Counseling at Home	In-Home Counseling
Covenant Adult Day Services	Adult Day Care With and Without Transportation
Critical Signal Technologies	Personal Emergency Response System
EARS, Inc.	Personal Emergency Response System
Fresh Perspective Home Care	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management.

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Friends Who Care, Inc.	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management.
Guardian Medical Monitoring	Personal Emergency Response Systems and Automated Medication Dispensing Systems
Hospice Care of SW Michigan	Adult Day Care with and Without Transportation
Lakeshore Home Health Care	Homemaking, Personal Care, In-Home Respite, Medication Management
Lifespan Continu-Care	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management and Personal Emergency Response System
Medical Resource Management	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management.
Metron Liquid Nutrition	Supplements, Durable Medical Equipment
Right at Home	Homemaking, Transportation, Personal Care and In-Home Respite
Senior Home Support	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management.
Senior Services	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management; Meals on Wheels; Liquid Nutritional Supplements.
Stay Home Companions	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management.
United Nursing Services, Inc.	Homemaking, Transportation, Personal Care, In-Home Respite, Medication Management.
Valued Relationships, Inc	Personal Response systems and Automated Medication Dispensing Systems.

K. Request for Approval of Grant Agreement with Michigan Medicare/Medicaid Assistance Program (MMAAP) for the SMP Expansion Project

That the appropriate County officials be authorized and directed to execute a Grant Agreement with MMAAP in the amount of \$3,252 for the SMP Expansion Project for the period of September 30, 2013 through September 29, 2015; a copy of said Agreement to be attached to the official Minutes of this meeting.

L. Request for Approval of Addendum to the Letter of Renewal for 2013-2014 Sublease Agreement with Kalamazoo Community Mental Health

That the appropriate County officials be authorized and directed to execute an Addendum to the Letter of Renewal for the 2013-2014 Sublease Agreement with Kalamazoo Community Mental

Health in the amount of \$14,054.21 for the period of October 1, 2013 through September 30, 2014; a copy of said Addendum to be attached to the official Minutes of this meeting.

M. Request for Approval of 2013-2014 Comprehensive Planning, Budgeting and Contracting (CPBC) Agreement with the Michigan Department of Community Health (MDCH)

That the appropriate County officials be authorized and directed to execute 2013-2014 CPBC Agreement with MDCH in the amount of \$3,474,776 for the period of October 1, 2013 through September 30, 2014; a copy of said Agreement to be attached to the official Minutes of this meeting.

N. Request for Approval of an Agreement with the Kalamazoo County Health Plan Corporation (KCHP) for the Provision of Indigent Health Care Services

That the appropriate County officials be authorized and directed to execute an Agreement with KCHP for the provision of indigent health care services in the amount of \$406,138 for the period of October 1, 2013 through September 30, 2014; a copy of said Agreement to be attached to the official Minutes of this meeting.

O. Request for Approval to Accept CSBG-14-39015 Community Services Block Grant (CSBG) Notice of Funds Available (NFA), #1 from the Michigan Department of Human Services (MDHS)

That the appropriate County officials be authorized and directed to accept CSBG-14-39015 CSBG NFA #1 from MDHS in the amount of \$306,551 for the period of October 1, 2013 through September 30, 2014; a copy of said Award to be attached to the official Minutes of this meeting.

P. Request for Approval of Business Associate Agreement with Kalamazoo Regional Education Services Agency (KRESA)

That the appropriate County officials be authorized and directed to execute Business Associate Agreement with KRESA to provide hearing & vision screening services for the 2013-2014 school year; a copy of said Agreement to be attached to the official Minutes of this meeting.

Q. Request for Approval to Accept Statement of Grant Awards #2014-1 from the Michigan Office of Services to the Aging (OSA)

That the appropriate County officials be authorized and directed to accept Statement of Grant Awards #2014-1 from OSA in the amount of \$319,163 for the period of October 1, 2013 through September 30, 2014; a copy of said Award to be attached to the official Minutes of this meeting.

R. Request for Approval of the 2014 HCS Laboratory Fee Schedule

That the Board of Commissioners approve the 2014 HCS Laboratory Fee Schedule as included in the Packet.

S. Request for Approval of the 2014 HCS Environmental Health Services Fee Schedule

That the Board of Commissioners approve the 2014 Environmental Health Services Fee Schedule as included in the Packet.

Human Resources

T. Request for Approval of an Agreement with Safety National for Workers Compensation Excess Coverage

That the appropriate County officials be authorized and directed to execute an Agreement with Safety National for Workers Compensation Excess Coverage in the amount of \$54,763 for 2014 for the period of three years; a copy of said Agreement to be attached to the official Minutes of this meeting.

#### Planning & Community Development

U. Request for Approval of Future Advance Second Mortgage and Forgivable Commercial Term Note, and the Release of Funds to Hark Orchids, L.P.

That the Board of Commissioners approve Future Advance Second Mortgage and Forgivable Commercial Term Note, and the Release of Funds to Hark Orchids, L.P. in the amount of \$250,000.

#### Prosecuting Attorney

V. Request for Approval of Kalamazoo Valley Enforcement Team Agreement

That the appropriate County officials be authorized and directed to execute Kalamazoo Valley Enforcement Agreement for funding of one full-time Assistant Prosecutor to handle criminal cases generated by KVET in the amount of \$70,000 for the period of January 1, 2014 through December 31, 2014; a copy of said Agreement to be attached to the official Minutes of this meeting.

W. Request for Approval of Amendment to CY 2011-2013 Agreement with Michigan Department of Human Services

That the appropriate County officials be authorized and directed to execute Amendment CY 2011-2013 Agreement with Michigan Department of Human Services for the period of January 1, 2014 through March 31, 2014; a copy of said Amendment to be attached to the official Minutes of this meeting.

X. Request for Approval to Submit a Grant Application for the 2014 Crime Victim Rights Week – Community Awareness Project

That the appropriate County officials be authorized and directed to submit a Grant Application for the 2014 Crime Victim Rights Week-Community Awareness Project in the amount of \$5,000 for the period of January 1, 2014 through April 2014; a copy of said Grant Application to be attached to the official Minutes of this meeting.

#### Purchasing

Y. Request for Approval of Gas and Diesel Fuel Contract Extension with Knapp Energy

That the appropriate County officials be authorized and directed to execute Gas and Diesel Fuel Contract Extension with Knapp Energy for the period of January 1, 2014 through December 31, 2014; a copy of said Contract Extension to be attached to the official Minutes of this meeting.

#### Sheriff

Z. Request for Approval of Temporary Local Emergency Planning Committee (LEPC) Position Approval via an Employment Agreement with David Schneider

That the appropriate County officials be authorized and directed to execute Temporary Local Emergency Planning Committee (LEPC) Position Approval via an Employment Agreement with David Schneider at the rate of \$23/hour for the period of December 1, 2013 through May 31, 2014; a copy of said Agreement to be attached to the official Minutes of this meeting.

AA. Request for Approval of an Employment Agreement with Patrick Wright for Interim Emergency Manager Position

That the appropriate County officials be authorized and directed to execute an Employment Agreement with Patrick Wright for Interim Emergency Manager Position at the rate of \$36.33/hour effective October 19, 2013 until a full time position is appointed or April 30, 2014; a copy of said Agreement to be attached to the official Minutes of this meeting.

Board of Commissioners

BB. Request for Approval of Transfers and Disbursements

That the Board of Commissioners approve the Transfers and Disbursements as defined and set forth in the document entitled, "Recommended Transfers and Disbursements, dated November 5, 2013", noting claims in the total amount of \$3,481,455.94, 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 November 5, 2013, and the Director of Finance be authorized to make budgetary transfers, as listed.

CC. Request for Approval of an Employment Agreement with Peter Battani

This Item was removed from the Consent Agenda.

DD. 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 replace the Agreement approved by the Board on September 3, 2013; a copy of said Agreement to be attached to the official Minutes of this meeting.

EE. Request to Deny WESCO's Application to Establish a Groundwater Restricted Use Zone

That the Board of Commissioners deny WESCO's application to establish a Groundwater Restricted Use Zone.

FF. Request for Approval of Letter of Understanding with UAW Local No. 2290

That the Board of Commissioners approve Letter of Understanding with UAW Local 2290 for the elimination/creation of positions; a copy of said Letter of Understanding to be attached to the official Minutes of this meeting.

GG. Request for Approval of Access Agreement with Enbridge

This Item was removed from the Consent Agenda.

That the appropriate County officials be authorized and directed to execute an Amendment to the Access Agreement with Enbridge to allow for additional work on Morrow Lake in 2013 in the amount of \$10,000 per acre for the use of River Oaks County Park through December 31, 2013; a copy of said Agreement to be attached to the official Minutes of this meeting.

HH. Request for Approval of Change Order #2 for Healy Street Center Project

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That the appropriate County officials be authorized and directed to execute Change Order #2 for Healy Street Center Project in the amount of \$19,950; a copy of said Change Order to be attached to the official Minutes of this meeting.

Commissioner Iden moved and it was duly seconded that Items B. through HH., with the exception of Items CC. and GG., 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.**

#### **CC. Request for Approval of an Employment Agreement with Peter Battani**

Commissioner Taylor moved and it was duly seconded that the Board of Commissioners approve an Employment Agreement with Peter Battani for the period of January 1, 2014 through December 31, 2016; a copy of said Agreement to be attached to the official Minutes of this meeting.

Commissioner Rogers inquired what the policy, historical information was and Ms. Moored indicated:

2011 Step Increase

2012 Steps were frozen, but K Band was implemented

2013 Normal implementation of the K Band

Did he receive step increase in 2012 and 2013; CA received same as county ee's

Commissioner Taylor inquired if the CA was following same step increase as other employees and Ms. Moored indicated that was correct.

Chairman Maturen inquired if County Administrator ever forgone one of his step increases and Ms. Moored indicated in 2011 Drug Court Foundation.

Commissioner Rogers moved and it was duly seconded to amend the contract for the period of January 1, 2014 through December 31, 2015.

Commissioner Taylor stated he would like to postpone the vote on this agreement.

Commissioner Stinchcomb stated a two year agreement made sense.

Vice Chairman Buskirk stated the Board leadership did meet and discussed the terms of the contract with County Administrator Battani and his attorney.

Commissioner Taylor recommended more involvement in the future.

Discussion ensued.

The roll call vote on the amendment was as follows:

Ayes: Commissioners Rogers, Stinchcomb, Taylor, Tuinier

Nays: All members present, except

Abstains: None

Absent: None

The motion carried.

The roll call vote on the original motion was as follows:

Ayes: All members present, except

Nays: Commissioners Rogers, Stinchcomb

Abstains: None

Absent: None

The motion carried.

ITEM 9 Old Business

There was no old business.

ITEM 10 New Business

There was no new business.

ITEM 11 County Administrator's Report

A written report was provided.

ITEM 12 Chairperson's Report

No report was given.

ITEM 13 Vice Chairperson's Report

Vice Chairperson Buskirk stated he attended the NAACP Banquet last Saturday night and was pleased with the turn out.

ITEM 14     Members' Time

Commissioner Rogers thanked everyone for the work on the consolidated dispatch presentation and hoped to have a discussion soon. She also attended the NACCP Banquet.

Commissioner Seals spoke of a fallen soldier. He stated on Veterans Day there were two events occurring and encouraged everyone to attend at least one of them.

Commissioner Stinchcomb stated at the KCRC meeting today policy discussions occurred and he would send an email to the Board with those.

Commissioner Alford thanked the citizens who addressed the Board this evening. She congratulated County Administrator for his work over the last year. She thanked everyone for attending the NAACP Banquet.

Commissioner Heppler applauded his fellow commissioners and administrator for all the work accomplished this evening. He invited everyone to attend the Veteran's Day event at Fort Custer.

Mr. Battani thanked the Board for renewing his contract.

ITEM 15     Adjournment

There being no further business to come before the Board, Chairperson Maturen adjourned the meeting at 8:01 p.m.

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Timothy A. Snow  
Clerk/Register of Deeds

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David C. Maturen, Chairperson  
Kalamazoo County Board of  
Commissioners