

## MINUTES

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

NOVEMBER 5, 2013

PLACE: Room 207A, County Administration Building

TIME: 4:00 p.m. – 5:42 p.m.

MEMBERS PRESENT: Commissioners Carolyn Alford, Dave Buskirk, Jeff Heppler, Brandt Iden, Dave Maturen, Julie Rogers, Michael Seals, Phil Stinchcomb, John Taylor, Roger Tuinier and John Zull

MEMBERS ABSENT: None.

OTHERS PRESENT: Peter Battani, John Faul, Thom Canny, Tracie Moored, Dina Sutton, Lisa Bradshaw, Randy Winterowd, Tim Snow, Paul Matyas, Rick Fuller, Mary Balkema, David Rachowicz, Lotta Jarnefelt, Tina Keifer, Sue Darling, Linda Vail, Jeff Getting, Dane Turner.

Chairman Maturen convened the Committee of the Whole at 4:00 p.m.

#### 1. Review of Transfers and Disbursements

Ms. Tracie Moored, Finance Director stated claims for November 5, 2013 totaled \$3,481,455.94. Ms. Moored indicated there was a release of funds to the State of Michigan, DHS as well as several budget adjustments.

#### 2. River Oaks Park – Enbridge Access Agreement

Mr. John Faul, Deputy County Administrator addressed the Board concerning an access agreement with Enbridge concerning use of the River Oaks County Park for cleanup efforts. Mr. Thom Canny, Corporate Counsel addressed the Board concerning the agreement; he indicated one area of concern was the use of the roads and the damage that would be caused to the roads.

Commissioner Taylor inquired about what guarantee the County had that the soil being deposited would be acceptable. Mr. Canny indicated the soil was a closed loop system and would be processed off site and the liquid would be put back into the lake.

Commissioner Seals wanted to know if the \$300,000 in escrow would be enough and Mr. Canny indicated it was a good faith deposit.

Commissioner Stinchcomb wanted to know if any remediation was done in February and Mr. Canny stated that agreement was mostly for a staging area.

Commissioner Rogers stated the proposed agreement should have been brought to the county much sooner than five days prior to today's meeting.

Commissioner Tuinier stated Enbridge had attempted to work with Comstock Township and those attempts had failed.

Mr. Canny indicated he was comfortable recommending the Board approve the agreement and authorize the Board Chair and Clerk to sign once received.

Commissioner Heppler stated he visited the site and received additional information prior to today's meeting. He stated he felt Enbridge was trying to correct a wrong; however, he did have concerns with the truck traffic route.

Commissioner Alford stated she wanted to make sure Parks Director David Rachowicz had been a part of this conversation and Mr. Rachowicz indicated he had.

Mr. Peter Battani, County Administrator stated he was satisfied with all the requests the County had made to Enbridge and felt this was beneficial to the whole community to allow Enbridge to use the park and continue with its clean-up efforts.

Mr. Faul indicated the County looked at three issues before recommending approval of the agreement:

- Disruption of the purpose of the land
- Public health impact
- Roads

He also stated Comstock Township would also approve the agreement once the County had done so.

Mr. John Sobojinski and Mr. Christopher Haux, Enbridge, presented a power point presentation.

Commissioner Taylor wanted to clarify that there would be no issues with spillage on the property and Mr. John Sobojinski indicated Enbridge would take all responsibility for mitigation.

Commissioner Heppler inquired about the route of the trucks, and Mr. Christopher Haux indicated the trucks would travel M96, right to 35<sup>th</sup> Street, to I94 either to the West or to the East.

Commissioner Rogers wanted to know if it would be possible to insert language to have an independent environmental health assessment done once the work was completed. Mr. Canny stated that was possible, but further discussions would have to occur.

Discussion ensued.

Ms. Ann Nieuwenhuis, Comstock Township Supervisor thanked everyone for their support and work on this project. Ms. Nieuwenhuis indicated Comstock Township would be able to approve this tomorrow should the County support this agreement.

### 3. Groundwater Restricted Use Zone Request Application, Wesco Company

Mr. Canny reviewed his memo as included in the packet. He indicated it was his recommendation that the Board deny this request as it does not meet requirements. He indicated it would be on the consent agenda at tonight's meeting.

### 4. Amendment to the Agreement with Southwest Michigan Behavioral Health

Mr. Canny stated in September the Board approved an agreement to allow the transfer of the Kalamazoo Coordinating Agency to the Southwest Michigan Behavioral Health organization as part of the Community Mental Health reorganization. He stated there were two versions of the agreement and some units had approved one version and one had approved another version and neither was correct. He stated a new intergovernmental agreement was prepared and the Board needed to approve this agreement.

Mr. Mike Schlack, Community Mental Health Corporate Counsel indicated the new agreement terms were essentially the same but the guidelines were part of a different legislative statute.

Discussion ensued.

5. B&G Energy Conservation Review

Mr. Randy Winterowd, B&G Director presented a power point presentation as included in the packet.

Commissioner Taylor wanted to know the timeframe in which the County saw savings and Mr. Winterowd indicated approximately 5-6 years, however, the report was only for 3 years. Commissioner Taylor wanted to know if there was a public purchasing policy, renewal for up to 10% and Mr. Winterowd indicated there was, but at this time the County was not participating.

Commissioner Tuinier inquired if the County was on the energy queue with Consumers Energy and Mr. Winterowd indicated the County was not, he indicated there were no guarantees and there were too many variables.

Commissioner Rogers thanked Mr. Winterowd for his presentation. She stated she wanted to have further discussion and Mr. Winterowd indicated next year would be a good time to have further discussions because of changes being made.

Discussion ensued.

6. Facilities Master Plan Update

Mr. Faul reviewed his memo as included in the packet. He indicated on the Board agenda tonight there was an item to approve a Change Order for the Healy Street Project. He stated the Facilities Master Plan would need to be amended to include a new three phase approach.

Commissioner Rogers wanted to know what impacts there would be on HCS and Mr. Faul indicated this would speed up the move of them to the current Family Court building.

Commissioner Taylor wanted to know the portion of Contingency was left or being used. Mr. Faul reviewed the information as included in the packet.

Commissioner Iden stated he had issues with spending money on repairs at MAC until a long-term plan is in place.

7. Any other items

There were no other items.

8. Executive Session

There was no executive session.

9. Adjournment – no later than 6 p.m.

There being no further business to come before the Board, Chairman Maturen adjourned the meeting at 5:42 p.m.

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David C. Maturen, Chairman  
Kalamazoo County Board of Commissioners